OF THE WEAK, OPPRESSED AND ISLAMIC SHIELD

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In the name of Allah, the Compassionate, the Merciful

Foreword

Although the noblest of all creatures, how grave is the tragedy of humankind, that they bring disgrace to themselves by their own deeds.

Although, by nature, a born servant of Allah (ST), the misguided human individual has often taken a course of obstinacy and revolt. Being the progeny of the same parents, all human beings have the same origin. Their nature, therefore, demands that they behave, like members of a family, with mutual love, care, and respect. However, with the passage of time, they formed groups and sects and instituted false and self-serving standards and artificial ranks, and thus began a process of mutual subjugation. In this context, the world cannot ignore Islam's supreme contribution to humanity in restoring its human dignity by quashing the sense of false supremacy articificially created by human beings. Islam established *'Taqwa'* (Fear of Allah) and piety as the sole criterion to judge the eminence of humans. Islam gave humanity the lesson of justice and equity, ensured the rights of every individual in the society, and established a system, to safeguard these rights, so that no one may subjugate the other.

Human Rights is one of the subjects that I have been studying and also writing about. My writings articulate the rights of the deprived sections of the society, particularly the rights of women. However, some

important aspects of this versatile domain have not been covered in the earlier writings, and the one that has been discussed earlier briefly, require discussion in greater detail. The present book is a humble attempt to accomplish these objectives.

The book presents Islam's elaborate analysis of the challenges that socially deprived sections of the society face, and outlines the comprehensive efforts required to meet them. The socially deprived sections of the society were hostorically amongst the first to traverse the path of truth. In contrast to the false and artificial ranks that existed in the society (because of the wrong religious notions and practices), Islam ensured respect and dignity to the weaker sections. To begin with, Islam takes into account their real limitations and accords them due consideration in the Shariah (Islamic law). Secondly, it inculcates in them courage and determination to liberate themselves from their existing situation. Thirdly, it creates a general feeling of abhorrence and dislike against all forms of oppression of the weak and advocates ways to eliminate them. Fourthly, it provides due rights to all human beings and ensures that no one, because of their limitations, is deprived of these rights. It instills courage among the oppressed to fight and oppose oppression. Yet, it also underlines the fact that by magnanimity and forgiveness, humans can prove their superior moral position, and become worthy of a great reward in the Hereafter.

The book begins with a brief discussion on Human Rights bringing forth the limitations of the West's viewpoint and outlining the distinctive features of the

Islam's viewpoint. It aims at a better comprehension of the discussions that follow.

The Qur'an and *Ahadith* are the main source for this study. However, where necessary, we have referred to the books of *Tafsir*, Commentary on *Hadith*, *Seerah*, and *Fiqh*. These books reveal that the acumen and insight with which the early Islamic scholars delved into this domain is commendable, and their analysis can benefit scholars a great deal even today.

I pray to the Almighty that this concise but comprehensive discussion may help in clarifying Islam's stand on the issues of the weak and oppressed. May Allah accept this effort. Ameen.

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New Delhi, March 15, 2010

Islam and Human Rights

A Brief Account of Human Rights

It is generally believed that the modern concept of human rights did not exist earlier. Indeed actual history is also witness to the tragic fact that majority of human beings often did not receive even their primary rights, and were regular victims of injustices and oppression. Even if, some solitary voices were raised against injustice, people in power enjoying higher ranks generally managed to curb them. The west proclaims that *they are the ones who realized the importance of liberating humankind, and presented the concept of human rights to the world.*. In support of their claim, they cite King Alfonso - IX of France, who by choice or by circumstances sanctioned a law against imprisonment without any valid reason. In other words, detention without a valid reason became unlawful. The world considers it a major breakthrough in the context of human rights. Later, another French national, Rousseau, wrote a book, which remained the focus of discussion for quite some time. In his book, he proposed the concept of human rights. He says that a human being by nature is *'free'* and therefore, should be allowed to live as a *'free'* agent. This book, considered revolutionary by many, has been translated into many languages including Urdu. The title of the Urdu version is *'Muaheda-e-Imrani.'* Subsequently, France witnessed a great deal of general commotion relating to human rights, which led to the so called -***'Declaration of Human Rights.'***

The Universal Charter of Human Rights

Several other efforts continued in this direction, the epitome of which was the approval of the Universal Charter by the United Nations (UN) on December 10, 1948. The UN named it as 'The Universal Declaration of Human Rights' and presented it to the world. The world considers it a major break through in the struggle for human rights. The general presumption is its clarity and un-ambiguity of the conception of human rights. It is regarded as a successful effort to save humankind from oppression and injustice. This charter emphasizes the following three major points:

1. Freedom of individual
2. Justice and Equity
3. Fairness and Impartiality

The experts of law and jurisdiction consider these as distinctive features of this declaration. They hold, that ensuring these rights shall guarantee complete safeguard of all other human rights.

Universal Charter on Human Rights: Limitations

The study of the Universal Charter on Human Rights reveals some significant shortcomings as well as practical limitations. Firstly, although, the United Nations approved the charter, there is no power to ensure nations' conformance to it. If any nation, in particular, a comparatively powerful nation violates the law, the charter does not include any genuine and realistic provision to restrain it. One may cite several examples to substantiate this. More recent instance is the manner in which a 'super power' under the

intoxicating influence of its power and wealth is violating human rights deliberately, and there is no one to stop its aggression.

The second shortcoming is that, although the charter subscribes religious freedom, it has not defined its expanse in a realistic sense. For example, the concept of religious freedom could be confined to mere worship and performance of some basic religious rituals in a place of worship (like temple, mosque or a church). This is a kind of religious freedom. Moving a step ahead, religious freedom may also include the role of religion in individual and family life. However, a major challenge arises for the followers of Islam, since Islam guides and binds them to abide by its norms in all matters of life. There is no constitution providing Muslims the freedom to live according to complete Islamic guidelines and letting them follow their own law in their own social sphere.

The third aspect is that in the pre-renaissance West, the church and the governing community under its influence, had adopted an extremely wrong attitude of curbing the individual's right to freedom of thought and action. This attitude had no relation, whatsoever, to any true religion. The present concept of human rights, actually, has its roots in an explosive reaction to this western approach. Hence, it altogether neglects the role of religion. The teachings and ideals presented by Allah (ST)'s messengers, in different parts of the world at different times, are totally ignored in the western discourse on human rights. It appears that this disregard for religion is deliberate and comperehensive.

It is evident therefore that such discussions are neither objective nor unbiased. Hence, the studies based on these discussions too tend to be subjective and biased. It is clear that these studies are prejudiced, since they deliberately ignore the true role of religion, giving it a completely miss.

The Islamic Viewpoint

Islam acknowledges that, since long, humankind has been continuously suffering from injustice and oppression. The history of injustice and oppression dates back to the time of Adam (PBUH)'s two sons. One of them killed the other merely because Allah rejected his sacrifice and accepted that of his brother. However, his conscience made him regret and repent for his wrong deed (Please see surah Al-Maidah: 27 to 31 for further details).

The incident tells us that injustice and oppression, if not prevented in time, might lead, even brothers, to commit acts of oppression and excesses against each other. The hostility may provoke one to soil his hands in his own brother's blood. Islam acknowledges this human tendency, and therefore, wants to end all forms of injustices, excesses or tyrannies, and ensure that no one makes the other a target of cruelty and injustice. To this end, it offers a comprehensive and complete constitution, which addresses all aspects of justice and equity, and ensures that all humans get all their due rights in the true sense. These rights are as much required today as earlier. Majority of the progressive world in the advent of Islamic civilization implemented this constitution for centuries, and witnessed its success.

Human Rights in the Light of Qur'an and A'hadith

Quran's approach to the discussion on human rights is not conventional. The conventional legal books mention the ordinances and the laws in the form of articles, sections, and clauses. Quran, however, takes a more practical stand. Quran records these ordinances, as revealed from time to time, in accordance with the demands of the society; at the same time, they are rooted in the fundamental teachings of Islam. Another point of significance is that in general, Qur'an mentions the various dimensions of a law at several specific places. Their cumulative study, rather than, mere examination of isolated injunctions, presents the true picture of the versatility with which the Quran approaches a situation and prescribes a law.

Quran describes human rights too in a similar manner. The *A'hadith* further elucidate a law, and elaborate on the practical aspects of its implementation. *A'hadith* present the most authentic explanation of Quran. They also facilitate deduction of some new bylaws from the laws mentioned in Quran.

Elucidations of Islamic Jurists

Islamic jurists have rendered extraordinary contributions to the interpretation and elucidation of laws and bylaws that Quran and *A'hadith* mention. Ignoring their legislative and juristic discernment can only be termed as foolishness and ignorance. Indeed they studied and contemplated Islamic jurisprudence with an exemplary insight.

Their contributions enlighten us on different

aspects of the law from various possible angles and help us resolve several legal problems.

Objections to the Islamic Law: An Appraisal

Although, at present, there is much hype about impartiality and lack of prejudice, the advocates of human rights do not recognize the contribution of Islam. They argue that a charter, centuries old, cannot address the demands put forth by progress attained by humankind to day. They also argue that in several aspects, Islamic constitution does not fulfill the requirements of justice and equity. However, the basis of these arguments is simply ignorance and bias. These arguments do not arise from any profound research, thinking, or insight. On the contrary, the entire Islamic system and its teachings, beliefs, and actions contradict these arguments. The study of Islamic jurisprudence clearly reveals that fourteen centuries ago, Islam not only gave a much wider and clearer concept, but also made legal provisions for realization of today's much-hyped human rights, for which, there is still a continuous struggle for achievement. One cannot point out even a single fundamental human right, which the Islamic law does not grant. It is astonishing to note that all this happened at a time when in the society, the powerful had all the rights and the weak had none. The weak did not struggle for their rights; instead, Islam itself ensured these rights for them.

Some Guiding Principles

Islamic position on human rights is based upon its

unique ideology and viewpoint about the humankind and this universe. It is of prime significance, as Islam has some basic principles, which neither does it deviate from at any cost, nor do its laws contradict. It is important to ensure that in implementing laws, one does not contradict the basic spirit, which introduces the laws. Laws that controdict the basic Islamic teachings are not Islamic laws. For example, the Holy Qur'an states that 'Allah' is the Creator and Master of this world. He alone owns and controls everything. This is one of Islam's fundamental concepts. This concept, when applied, ends the notion of 'absolute' or 'unconstrained' authority that may be sought by an oppressor or despot. Islam tells him or her that you are not the owner or master; Allah is the Master alone. A person recognizing Allah in this capacity, cannot make authoritarian claims like 'I possess the authority,' 'I am the king of this period,' 'I am the owner of this estate,' 'I am a landlord or an industrialist,' or 'I am a man of status,' and therefore, 'I can do what I like' in an absolute sense, for or against Allah's guidance(ST). When the real Master is Allah (ST) alone, human beings are all his servants and whatever they possess or control is only in conformity with Allah's will. They cannot use the power, ability, or resources arbitrarily. In particular they may not do injustice and excesses on His servants.

Let us consider one more example to elucidate this point. One of the essential and obligatory aspects of Islamic beliefs is that all matters of life and death are under Allah's jurisdiction. One lives as long as Allah wills, and dies when He wishes so. Humans live and die at various stages of life. Some die in their mother's

womb, some soon after the birth, and others after attaining puberty, still others at an older age. Allah decides the time that a person will live in this world. None, other than Allah has the right to take away the life of the other. Such an aggressive act leads to direct interference in Allah's sovereignty, and the people guilty of it will receive punishment. Likewise, Quran declares all humans to be servants of ONE Allah (ST) alone and that throughout life they must act as His obedient servants. This is not any ordinary statement. It is a declaration that Allah (ST) alone is sovereign. No human has the right to enslave another human. Every power should conform to Allah (ST)'s sovereignty. No sovereignty, religious or political, away from Allah (ST)'s dominion is lawful. Along the same lines, Qur'an upholds the dignity of humankind. Several aspects of this honor that Islam bestows on humans may be mentioned. To deprive a person of his/her natural rights is a denial of this honor and dignity. If a person suffers humiliation, his dignity is no longer preserved; he becomes despicable, and Quran is against such humiliation. Similarly, according to Islam. Allah alone reserves the right to introduce laws and humans are bound to abide by them. Within the limits ordained by the Divine law, humans can take decisions and judge taking into account the demands of existing circumstances. As a corollary, no individual or group has any 'absolute' right to governance. The head of the state and his subjects are bound to act according to Allah (ST)'s constitution. These are some of Islam's fundamental conceptions. Every constitution in the world has a preamble and some guiding principles.

Islam's guiding principles are its fundamental concepts. They introduce a distinct conception of the human rights in a specific course. Islam not only provides a constitution, but also warns humankind of Allah (ST)'s severe punishment to those who disobey it. It instills in them a fear of punishment for disobedience in the hereafter, which sensitizes them to respect and obey the law. If humans have faith in the Day of Judgment, they will not easily violate the law. Let us now briefly discuss the human rights that Islam provides and compare them with the contemporary ones.

Right to Life

One may classify human rights into different kinds, like personal, private, social, and political, which all humans must enjoy. The foremost among these is his / her fundamental right to live. Even from a cursory study of Qur'an, it is not difficult to determine the degree of importance it gives to this right. According to Quran, every human being born on this earth, which Allah created, has the right to live. Some people were obliterating this right, and Islam raised its voice strongly against them. Quran also opposed all those who dishonored human life for any reason, be it financial, social, religious, or any other. It says that no one has a right to take another human's life. The experts of law provide a generic declaration that no right is 'absolute', and that every law has conditions and exceptions. In this context, the Qur'an states in very clear terms that human life, without doubt is honorable and respectable, but more respectable are truth and justice. The following verse from Quran explaining one

of the characteristics of Allah (ST)'s virtuous and pious servants, is illustrative:

وَلَا يَقْتُلُوْنَ النَّفْسَ الَّتِىْ حَرَّمَ اللّٰهُ اِلَّا بِالْحَقِّ (الفرقان:٦٨)

"Nor(do they) kill such life as Allah has forbidden, except for a just cause."

This verse clearly elucidates the exception from the general law of *'Nor Kill.'* When a person commits a crime that puts truth and justice at stake, he loses the right to live. This, in a way, is a declaration that when truth and justice demand, Allah's righteous servants will not hesitate in taking away lives of individuals or groups responsible for transgressin. However, apart from the demand of truth and justice, Islam does not permit anyone to take anyone's life irrespective of whether he is a commoner or an emperor.

Right to Equality

Books on 'Human Rights' maintain that equality is fundamental to all cumulative human rights. They argue that all rights root in the equal status of all humans. They maintain that women and men, elderly and young, poor and wealthy, or employer and employee, all have the same status. There should be no discrimination based on color, race, nationality, region, sex, or gender. The strength with which Islam raised this voice of equality is unmatched. Its approach to the equality goes beyond the conventional in the assertion that the most taqwa, (piety and Allah (ST)-Fearing), the most important human virtue, is the only criterion of leadership. The exemplary sermon that Prophet Mohammad (PBUH) delivered on 'Hajjat –ul– Wida' (Farewell

Pilgrimage) can very aptly be called the first manifesto of human rights. This is an excerpt from his (PBUH) address:

لا فضل لعربی علیٰ عجمی ولا لعجمی علی عربی ولا
لاحمر علی اسود ولا لاسود علی احمر الا بالتقویٰ
(مسند احمد: ۵/۴۱۱)

"Neither an Arab in any way is superior to non-Arab, nor a non-Arab to an Arab and neither a white has any advantage over Black, nor a Black over white, except that (anyone) has Taqwa (fear of Allah)."

This excerpt brings forth a very significant aspect about addressing the question of equality. It is noticeable that Prophet Mohammad (PBUH) while declaring the non-superiority of any human, mentioned the Arabs first and then the Non-Arabs. Since the Islamic Revolution came through the efforts of Arabs and they were actually ruling the country, he (PBUH) informed them: 'remember! Neither is an Arab superior to a non-Arab, nor, a White in any way superior to a Black. The phrase, الا بالتقوی connotes that the only means to superiority is through *taqwa*. Greater the degree of *taqwa*, better is the human in the Allah (ST)'s sight. The society must honor and respect the person who is at a higher level in *Taqwa*. Islam declared discrimination on the basis of color, nationality, race, or sex, unlawful and un-Islamic at a time when even the notion of equality was at the most in a rudimentary state.

Right to Justice

One of the generally recognized rights is the right

to justice and equity. Here again we find that Islam perceives and promotes justice and equity in a manner that is way ahead ofthe west. Muslim *Ummah* (community) is the proponent of justice and equity and without exception, it is asked to carry on pursuing the course of justice even with its enemies. Islam also urges them not to succumb to injustice under any circumstance, because injustice is totally against *Taqwa* (fear of Allah) and piety. It warns *Ummah* to fear Allah's punishment, even before taking a step in the direction of injustice, and that they should always bear in mind that nothing is beyond Allah (ST)'s knowledge. (Qur'an 5:8)

Rule of Law

Ensuring equality and justice necessitates supremacy of law in the society. This enables people to perform their duties with the assurance that they have the backing of law, and therefore will neither face injustice nor denial of their rights. The contemporary advocates of human rights speak of it as if the world has never experienced it before. On the contrary, Islam, centuries ago, presented not just statements, but illustrative examples of honoring the supremacy of law by Prophet Mohammad (PBUH) and his companions. Islam declares in clear terms that all are equal before law and there will be no exception for any person based on ranks.

Several books of *Hadith* including *Sahih al-Bukhari* record a well-known incident of a lady of Banu Makhzum who was guilty of theft was brought to Prophet Mohammad (PBUH) with a request that since

the lady belonged to a respectable family, the regular punishment of cutting off the hand be replaced by another one. Prophet Mohammad (PBUH) expressed his immense displeasure regarding this appeal, and said that previous nations suffered destruction mainly for the reason that the law did not punish the powerful and honorable even when their crime was established, however, they punished the weak and common people. He (PBUH), then, made a historical statement, which perhaps only a prophet could say. The Messenger of Allah (PBUH) said: *"Even if the daughter of Muhammad (PBUH), Fatima, committed theft, then today, I would have cut her hand."* This example is a clear indication of the parity that the Islamic law adheres. It is the same for the eminent and the common, the ordinary and the honorable, and for men and women without any exemption. It is difficult to present a more lucid and candid concept of constitutional supremacy than the Islamic law presents.

Conviction under due process of law

To ensure justice, it is essential that punishment follows due process of law. In all probability, this concept too, has its roots in Islam, as the following narration by *Umer* (RA) illustrates:

والله لا یوسر رجل فی الاسلام بغیر عدول

(موطاامام مالک: کتاب الاقضیہ، باب ماجاءفی الشھادات)

"By Allah! No person will be imprisoned unless righteous people are witness to his crime."

Islam considers upholding the dignity and respect of law as state's responsibility. Accordingly, Prophet

Mohammad (PBUH) records:

الامير الذى على الناس راع وهو مسئول عن رعيته

(بخاری، کتاب الاحکام، باب قول اللہ تعالیٰ اطیعوا اللہ ورسولہ الخ، مسلم: کتاب الامارۃ، باب فضیلۃ الامام العادل)

"The leader of the people is in fact their supervisor, and he will be questioned about his subjects."

The Arabic word 'rayee' refers to shepherd and overseer. Here it connotes that just as a shepherd is responsible for the well-being of his flock of sheep, the *'ameer'* (Head of state) is responsible for the welfare of the people of his nation. His position is not that of an autocrat or a fascist ruler, rather his responsibility is like that of a shepherd, who has to be continuously on the watch to safeguard his subjects from oppression or injustice. The state is also responsible for regularly monitoring that no one is stripped of his lawful rights or suffers any injustice.

Right to Economic Endeavor

One of the issues of prime concern among advocates of human rights is that of provision of basic needs. The conventional approach is to make provisions for everyone's basic needs as intintively conceived by them. In contrast, Quran's stand to this right has four major dimensions:

1. Basic human necessities have a greater domain including food, clothing, shelter, marriage expenses for the unmarried, vehicle, and a servant for those doing public duties.

2. The resources for the basic needs of life are available on this earth equally for all. Everyone should strive for them without raising hurdles for anyone else.
3. Pure, clean and lawful resources must be available to meet the basic needs, and coercing anyone to adopt impure or unlawful means is a crime.
4. Providing necessities of life is the state's responsibility, however, if some individuals or groups help their fellow beings, it is *Ahsan* (Favor), and Allah (ST) will aptly reward them in the hereafter.

Let us discuss each of these dimensions in some more detail. Addressing the first dimension Allah (ST) declares in Quran:

وَ لَقَدْ مَكَّنّٰكُمْ فِى الْاَرْضِ وَ جَعَلْنَا لَكُمْ فِيْهَا مَعَايِشَ(الاعراف:١٠)

"And surely, We gave you authority on the earth, and appointed for you provisions (for your life)."

It emerges that everyone has a right to benefit from the *essential provisions* of life available on this *earth*; which are both created by Allah (ST).

Another basic human need is clothing. The following incident of prophet Adam (A.S.) supports it. When prophet Adam (AS) became unclothed, he said, "*O Allah!* I have become uncovered," and not finding anything else to cover, he used leaves as the last resort.

The following *hadith* details the other basic human necessities that Islam approves. The Prophet (PBUH) announced:

"If, we appoint someone on state duty and he is

unmarried, he has the right to receive his marriage expenses from Bait-ul-mal (state fund), and can also buy his essential clothing, and can even construct his house and can also have a means for conveyance. Other than this he does not have any right to spend from the state fund."

At another place in Quran, Allah (ST) attends to the second dimension of this right as:

فَامْشُوْا فِيْ مَنَاكِبِهَا وَ كُلُوْا مِنْ رِّزْقِهٖ (الملک:١٥)

"So walk (strive) in the path thereof (i.e. on the earth) and eat of His provisions, ..."

The above verse elucidates the general Islamic concept that Allah's bountics are available in direct correlation with the human efforts in its direction. Any hurdle created by the powerful and the wealthy, is an offence. About the third dimension, Quran informs us:

وَلَقَدْ كَرَّمْنَا بَنِيْٓ اٰدَمَ وَحَمَلْنٰهُمْ فِي الْبَرِّ وَالْبَحْرِ وَرَزَقْنٰهُمْ مِّنَ الطَّيِّبٰتِ وَفَضَّلْنٰهُمْ عَلٰى كَثِيْرٍ مِّمَّنْ خَلَقْنَا تَفْضِيْلًا ۝

(بنی اسرائیل:٧٠)

"Given them for sustenance things good and pure; and conferred on them special favors" Quran—17:70

This implies humans entitlement to pure and hygienic diet. It also suggests, since Allah (ST) provides pure and hygienic articles for humans, forcing them to lead an unhygienic and unhealthy lifestyle is criminal.

Concerning the fourth dimension of this law, Islamic scholars have a general consensus on the Islamic state's responsibility to not only ensure

availability of basic amenities of life to satisfy hunger, thirst, and other needs as mentioned earlier, but also protecting people from feelings of insecurity, lack of care, and helplessness. *Sahih Ahadith* (authentic Traditions) report that the noble Prophet (PBUH) addressed this issue as:

"If any person dies leaving behind wealth and property, then his inheritors have a right over it, but if he leaves behind his wife and children and no wealth, then I will be their guardian, and it is my responsibility to look after them."

On the basis of this *hadith*, Islamic scholars prescribe that the state must ensure that no individual, child or adult, suffers from the lack of basic amenities of life. If no one in the entire family is available to look after a person, then his needs are to be looked after by the state. Besides, Islam also clearly states that meeting these material necessities should not become people's sole motive of life.

Social Rights

Social and civil rights have immense value in the general framework of rights. People should invariably have the opportunity to secure them. The concept of social and civil rights connotes that human beings should be able to perform an active role in the society. It is their right that they are not rendered useless or redundent in the society. People of the society should not impose upon any individual, such restrictions that he is virtually unable do anything worth while. Islam advocates clear and proactive concept of the freedom

of thought and action, Islam has clear and proactive concept of advocating the freedom of thought and action, and urges for its consistent manifestation. Referring to those who do not think and reflect, Allah (ST) says, 'What is the matter with them that, like animals, they are leading a life away from any thought or reflection?' Islam invites people to reflect and consciously ponder over the beginning and end of this world. It provides humans the right to freedom of action, but directs them to be vigilant about their actions, and ensure that these actions do not lead to chaos or disorder and thus harm the society.

The fundamental principle of prophets' mission is to invite people to Monotheism, i.e. worshiping one Allah (ST) only. After which they direct:

لاَ تُفْسِدُوْا فِي الْاَرْضِ بَعْدَ اِصْلاَحِهَا (الاعراف:٨٥)

"And do no mischief on the earth after it has been set to order."[7]

It implies that Allah (ST)'s constitution aims at reform and order. People should not commit acts which may disrupt peace and order.

Right to Freedom of Expression

Freedom of expression too is a fundamental right, and there is a general consensus among advocates of human rights about it. Islam too approves of this right, and refrains from any unjustifiable restriction in its attainment. However, in Islam, this right, as any other, is not without its logical constraints. Islam restricts the scope of this right such that its exercise does not lead to chaos and disruption in the society. Also one must

adhere to the norms set by Islamic teachings. For example, every one should refrain from immodest or impolite language that may hurt feelings and sentiments of others, or cause humiliation or disgrace to others. On national and social front, it asks them to refrain from discussions that involve conspiracy or could jeopardize people's security. Freedom of expression of thought is only permissible within these limits. All constitutions of the world have defined preconditions. However, with declining moral values, many things, earlier considered immoral or disruptive to social order, and which Islam prohibits, are now exempt from the 'prohibited category' of other constitutions. Islam however maintains its principle stand in this regard.

Right to a Family Life

Another human right that has general consensus is the right to a family life which is considered one of the basic human necessities. In this respect also, the Islamic teachings are so clear that there is no need for further emphasis. Islam asserts that family is Allah (ST)'s gift and reward to humankind. Expansion of family with children and their progeny is not a problem or trouble; rather it is a source of Allah (ST)'s mercy. Can there be a better statement than this, in the context of a family? Furthermore, Islam provides for a complete family system and directs humans to maintain it.

Right to Privacy

Islam, like other constitutions approves of the right to privacy and discretion. It not only considers this a

human right, but also directs that none, including the government should interfere in anybody's private life.

Right to Serve the Country and Community

This right again has global approval. Islam, right from the beginning, provides the right that people should get the opportunity to serve their community and nation. However, the dimension of this right, which not only allows members of the society to take part in constructive criticism and reform of the existing conditions, but also permits them to participate in framing bylaws within the framework of Islamic jurisprudence, wherever possible, is generally missing from other constitutions. Islam urges people to actively participate in social reform by declaring that a person serving the nation and the community is amongst the best and most respectable members of the society. Prophet of Allah (PBUH) said, *"A Strong and a healthy Momin* (Believer in Allah (ST) and monotheism) is *better than a weak Momin,"* as a powerful *Momin* will serve his fellow beings, community, and society, whereas one can hardly expect the same from the weak one. On another occasion, he (PBUH) said: *"A Momin who frequently interacts with people and shares their sufferings patiently is better than one who neither interacts with people nor shares other's sufferings and problems."* Quran says that it is the right of people that they should strive for the success and welfare of the society. Quran addresses hypocrites by saying: *"In most of their secret talks is no good: but if one exhorts to a deed of charity or goodness or conciliation between people (secrecy is*

permissible): To him who does this seeking good pleasure of Allah, we shall soon give a reward of the highest (value)."8

Right to Self-Defense

One of the much talked about rights these days is the right to self-defense. It is a globally accepted right. It is obvious that in case of a real threat to life, dignity and honor, wealth, property, or the life of one's wife, children, or other dependents, no one would passively sit back, and refrain from self-defense. However, two issues are associated with self-defense. One is that often in the name of self-defense, people resort to transgression, which one must invariably avoid. Second and more important is that many a times, in the name of terrorism and violence, a person is deprived of his very right of self defence. Islam clearly defines the scope of exercising self-defense by prescribing that in the act of self defense one must not resort to excesses and transgression. This definition takes into account the circumstances, the moral limits, and the avoidance of transgression – the three basic constituents of permissible self-defense. These discussions are already present in the *Quran* and *Hadith*, and elucidated in detail by Islamic scholars (Ulema) and Islamic jurists (*Fuqaha*). Here, we have discussed the right to individual's self-defense. The rights of states and the struggle for rights between states are out of the scope of this book, and therefore, not discussed.

Rights of the Weak

One of the essential components of a democratic constitution is the protection of minorities and other weaker sections of the society, and provision of equal human rights for all. The constitution should ensure rights for all, and should be vigilant against the possible oppression against them.

Before Islam, the rights of the weak were insecure in Arabia as well as the rest of the world. During this period, history witnessed severe exploitation of the weak, and a high degree of oppression and tyranny was directed against them. Right from its establishment, Islam voiced against this injustice and expressed its strong aversion to the existing tortures, and the excesses suffered by the weak; it warned those in power of dire consequences in this world and in the hereafter. Islam not only affirms the rights, but also provides a practical system for just provision for all weak people - women, dependants, subordinates, orphans, destitute children, handicapped, and elderly. It encourages and inspires the better off to treat their weaker counterparts in the society in the best possible manner through cooperation and sympathy.

Right to Religious Freedom

The advocates of the contemporary Human Rights globally approve of the right to religious freedom. The following verse from the Holy Quran illustrates the Islamic position on this right. "Had Allah willed, He would have restrained all the people to follow His religion and none would have dared to revolt against it,

but Allah has given freedom of thought and action in the matter of religion, and this freedom should remain as it is, and in it only is his testing." Prophet Mohammad (PBUH) solemnly desired guidance for all whom he (PBUH) invited to Islam. Allah (ST) informs him (PBUH):

لَيْسَ عَلَيْكَ هُدَاهُمْ وَ لٰكِنَّ اللّٰهَ يَهْدِيْ مَنْ يَّشَآءُ (البقرة:٢٧٢)

"Not upon you (Muhammad) is their guidance, but Allah guides whom He wills." (Quran—2:272)

Along similar lines, Quran declares the freedom of religion in the following way:

لاَ اِكْرَاهَ فِي الدِّيْنِ قَدْ تَّبَيَّنَ الرُّشْدُ مِنَ الْغَيِّ (البقرة:٢٥٦)

"There is no compulsion in religion. Verily the right path has become distinct from the wrong path, ..." (Quran—2:256)

After providing clear guidance to the right path to all, Quran, clearly provides a choice of religion that an individual may wish to follow:

فَمَنْ شَـآءَ فَلْيُؤْمِنْ وَ مَنْ شَـآءَ فَلْيَكْفُرْ (الكهف:٢٩)

"Let him who wills believe, and let him who wills reject (it)." (Quran—18:29)

Concerning right to religious freedom, Quran holds that people should discuss and debate about Islam and other religions for seeking the true guidance. The only condition being that these discussions should take place in a healthy environment. The Quran guides us:

"When the religion is discussed, it should be with a polite and courteous manner." (Qur'an 16:125)

This suggests that the religious discussion, if desired, must take place in a civilized and healthy manner, avoiding any impolite or undignified language.

Islamic scholars opine that even in an Islamic nation, if a non-Muslim openly declares that 'I do not believe that Qur'an is the Book of Allah (ST) nor do I accept Mohammed as His Messenger, the state will not take any action against him. However, if he resorts to insolence, the Islamic state will take appropriate action. Any offence to the dignity of Prophet Mohammad (PBUH) or other prophets of Allah, including Moses and Jesus (May peace be upon them) is a penal offense, and the Islamic state will sentence the offender to a befitting punishment, which may include death. The magnanimity of Islam is astonishing in that on similar grounds, it directs the Islamic state to punish aptly the person who resorts to the use of humiliating or disgraceful language about the founder of any other religion or its respected personalities.

The above discussions clearly elucidate Islam's stand on the human rights. The fact is that Islam provides all the rights that an individual or a section of the society deserves. Its approach to these rights conforms to the innate human needs in a coherent way. More importantly, it ensures human success and welfare not only in this world, but also in the Hereafter. With the successful implementation of the Islamic constitution there is no need for any other constitution or code of conduct for life.

(Umari, S.J. Human Rights and Islam (Urdu)
New Delhi, MMI Publishers)

Islam and Challenges Faced by the Weak

Is Religion an Opponent of the Weak?

Propaganda has an immense impact, which generates an environment hardly conducive to objective analysis and alternative views are totally ignored. However, propaganda can never change facts. Sometimes, even some of the astute and intelligent people get carried away and begin subscribing and even promoting falsehoods. Even then, one cannot judge falsehood as true. A wrong assertion is wrong, even if the entire world stands up to supports it, and with all its might declares it to be true. Similarly the truth will remain true, even if not a single person rises in its favour. One false propaganda about religion since early years is that it is a capitalists' agent, a friend of the powerful and influential, and is an instrument for exploitation and subjugation of the weak. The advocates of religion use it like an opium tablet or a morphine injection administered to the weak to further bleed their already fragile body in the absence of their awareness. They say religion enables already powerful people to gain further power and cause greater blood shedding.

There are many religions in this world. People consider Islam too as one of them. However, Islam is not a religion in the conventional sense, rather it is a religious conviction, which demands for a complete

subjugation to Allah's sovereignty and control. Nevertheless, any objection to religion, intentional oı mistaken, also relates to Islam. Leaving the past, aı least right now, the prime target is Islam Circumstantially, if other religions too have to share some of it, the propagandists do not see any harm in them. The reason for Islam being the prime target is its extraordinary spiritual power and vivacity compared tc other world religions. No other religion matches the strength of bond that Islam has with its followers. Another reason for Islam being the prime target oı wrong and unjustified criticism is its revolutionary power and capability to foster change, which no otheı philosophy or religion can match. Hence, they perceive that after the ideological defeat of Islam, there will be little scope for any other religion to pose a challenge.

The author is aware of his limited knowledge abouı world religions, and therefore, does not claim to defend or expound on them. However, as a student of Islam, certainly he has the courage to challenge that the propaganda, mentioned above, is false. All accusations have at least some base, while people, more often than not, make a mountain of a mole. However, even after a thorough investigation, one does not find any thing in Islam to justify the allegation that it is against the weak. It will not be inappropriate to call this propaganda a masterpiece of '*baseless allegation*.'

Advocating the Cause of the Weak

One can rightly claim that Islam is the advocate and champion of the weak. The name of advocate to some

extent has lost its reputation. The advocates most often blindly back the cause of their clients. They are not at all concerned with the good or bad aspect of the cause. Ironically, one considers an advocate successful, only if he is able to prove a falsehood true, and an aggressor a victim, and defends even the most fallacious of the cases in a manner that makes the righteous moan and groan in grief, and the sinful and deceiver elate with ecstasy. Whenever Islam defended the weak and helpless, it did so for right causes, and not for the wrong ones. Moreover, the support that Islam provided to defend the weak was exemplary; the contemporary advocates of the weak, today it seems, only iterate its viewpoints. Profound appraisal of Islam's approach in defending the weak reveals that, there is very little scope for any improvement in the contribution made by Islam.

Protecting the Rights of the Weak

Islam does not simply advocate the rights of the weak, but also protects and guards them. In early history, there were no rights of the weak. They lived on the mercy of the others. They did not actually live, rather they spent their days deprived of any real life. Their body as well as soul suffered in continuous misery. Their sufferings did not even find an echo. They existed only to serve and comfort the others, and there was no source of comfort for them. Their status in the society descended to the extent that they felt ashamed of their very existence; loathed it. This was their past. Their present is not very different. However, the propaganda about the world's concern for their

problems has reached such a state, that often they cultivate false hopes about ending their adversities. It appears that their life is on the verge of a change and some recompense for the atrocities and the injustices they suffered, may be on its way. However, this is only an illusion. To express sympathy and compassion, to shout slogans in their support, to deliver lectures and speeches, or to read out articles in their support is easy. It does not require any extraordinary effort, sacrifice, or even serious thinking. This is precisely the reason that even the most selfish and the corrupt also wants to take credit for it. The hypocrisy does not end here; it takes the form of a farce; the hidden enemies of the weak perform this 'blessed service' with so much decorum and grandeur and with such might but false claims that the poor in their ignorance begin perceiving them as their well-wishers and sympathisers. It is quite evident that these fake acts can never solve the problems of the weak. Their political, civil, social, and educational status, even today, does not differ much from the past, and will most probably remain the same in the future. The exploiters and aggressors come in various disguises and names, and well equipped with 'state-of-the-art weapons' to deprive and exploit the weak.

History is witness that Islam reinstated the confiscated rights of the weak, and ended the oppression and exploitation they faced. It instilled in them courage and determination, and provided them an honorable and dignified life. Islam was Allah (ST)'s gift to the poor, which gave them new life. Under the umbrella of Islam they received peace and comfort which was beyond their imagination.

Versatile Concept of the Problems Faced by the Weak

Across the globe, people are discussing the rights of the weak and trying to evolve remedial measures and making efforts to meet the challenges they face. However, most of these efforts revolve around resolving their financial problems. They perceive the real challenge before the weak as financial crisis, and imagine that its solution will resolve all other issues automatically. This narrow conception of the problems of the weak, or for that matter of any human being originates from a very narrow thinking. One cannot undermine the enormity of the challenge that the poor financial condition poses to the weak. However, one also cannot neglect the fact that unlike animals, humans have other needs aswell, which financial resources alone cannot meet. Food, clothing, shelter, education, and health are definitely essential, and one cannot afford to neglect. It is compulsory to meet them. However, it is false to imagine that these necessities alone complete the spectrum of human needs, and their resolution will render him free of all human requirements. The fact is that the weak do not have a one-dimensional disadvantage. The challenges the weak face have several dimensions – social and civil, educational and ideological, physical and material, as well as behavioural and spiritual.

The need of a poor hungry and unclothed person is monetary. However, the need of a wealthy person suffering from an incurable disease is not monetary; it is psycho-physiological. He needs emotional contentment and physiological relief, not money. A

woman, in her prime, having abundant world riches who suddenly loses her beloved husband needs safety, respect, and dignity in the society. Along similar lines, a person who because of his enormous wealth indulged in a lavishly lustful life, is at a moral and not monetary disadvantage. He needs training and reform, not money.

Islam presents an all-encompassing view of human problems and their remedies. There is provision for the financial needs of the poor and needy, resolution of the issues of the labourers and the employees, employment for the unemployed, help for the indebted, protection for women, widows, and orphans, sympathy and support for the ailing, disabled, elderly, tormented, and the distressed. Islam calls for addressing all material and moral needs of the people as determined by the factors like criticality, time, duration, quantity and quality, so that no one should at any stage feel helpless, and that he should be able to effectively perform his/her role in the society.

Islam not only considers the weak at a disadvantage, and makes provision for their support as and when required, but also declares the exploitation of any individual, community or nation criminal.

Support the Weak Communities

Today, there is a strong divide between the weak and strong communities. The communities or nations who have power and authority are exploiting the weak on a large scale. Although, both the weak and powerful sections coexist in every community and nation, the powerful take undue advantage and deny even the

fundamental rights to the weak. This has led to broadening the divide and rivalry between these sections. As a result, there is a continuous tussle between them either for survival and security or for power and wealth. The tussle extends beyond individuals to community, state, national, and even international levels. The issues of the individual too get transformed into issues of the community, nation, or world. Accordingly, people too mould their thoughts to fit this transformation and neglect two important facts. One is that sections or groups, generally considered privileged, might also have some under-privileged people who need our sympathy and help. Likewise, there could be privileged people, and in fact, there are many in the underprivileged sections themselves. If we think and act simply in terms of groups, then many times we lose sight of many poor individuals, and deny them the help and support they are entitled to. The second more important aspect is that while one-dimensional perspective of monetary human needs puts the weak in need of help from the wealthy, and thus on their sole mercy, the holistic view of human challenges identifies weaknesses in every individual irrespective of the section of society he/she belongs to, and fosters an environment of mutual help and cooperation. Is there anyone who can claim that he will never suffer from sickness, grief and sorrow, handicap, frailty, old age, or loss of life or wealth, and will not need any moral or legal support?

The Weak – An Islamic Perspective

The world has been led by emperors, rich merchants, and landlords, who held key positions of power and authority, and considered it to be their natural right. They subjugated the weaker individuals and sections of the society, who either willingly or otherwise submitted to them. The weak were not even permitted to resist against the authoritative and the powerful. Any thought or action on part of the weak for their individual or collective benefit was considered a revolt, and severely crushed. Islam rejected the very notion of any correlation between leadership and wealth or power. To provide true guidance Allah (ST) sent prophets to lead the world. They led from the front and gave an exemplary leadership in the true sense of the word. Their leadership was guided by Islamic principles of justice, equity, truth, and honesty. They treated everyone on a parity basis, helped the poor and needy, and gave respect and honor to the weak and downtrodden. The weaker sections and individuals of the society saw, in their leadership, the solution to their problems, and whole-heartedly supported them.(1)

(1) Some prophets were also given political power by Allah. Examples are seen in the history of Bani Israel. Similarly, at the time of his demise, the Prophet was the ruler of Hejaz. Later on, the companions of the prophet ruled over a large part of the world. This was actually the power of Islam. No king as such was appointed as a prophet. Dawood was appointed as prophet by Allah and then was also given political power. His successor was Sulaimans thus maintaning the continuity. We see a similar continuity in the rightly guided caliphates; though of course, they were not prophets.

Prophets Do not Belong to the Affluent Sections

Allah (ST) sent prophets (May peace be upon them) to this world in every era and period. These prophets were men of character with a clear and spotless conduct. No one could ever point out a flaw in their character. Their life was free of greed and lust. More so, even their enemies approved of their conduct and behavior. Most of them did not have a financially rich background, and did not belong to the rich and wealthy sections of the society. Hailing from average to poor, but respectable families and tribes, they won respect in society through their courteous and honest conduct with people. Quran cites Arab chiefs as an example of the narrow minded approach of the rich and wealthy having self-designated ranks, and records what they used to say in reply to Prophet Mohammad (PBUH)'s call to Islam, in the following verse:

لَوْلَا نُزِّلَ هٰذَا الْقُرْاٰنُ عَلٰى رَجُلٍ مِّنَ الْقَرْيَتَيْنِ عَظِيْمٍo(الزخرف:۳۱)

"Also, they say: "Why is not this Quran sent down to some leading man in either of the two (chief) cities?" (Quran—43:31)

Quran reinforces its statement regarding these people by citing another significant and historic example of Pharaoh. Quran records his reply to the Prophet Moses' call to Islam as:

فَلَوْلَآ اُلْقِيَ عَلَيْهِ اَسْوِرَةٌ مِّنْ ذَهَبٍ اَوْ جَآءَ مَعَهُ الْمَلٰٓئِكَةُ مُقْتَرِنِيْنَo (الزخرف:۵۳)

"Then why are not gold bracelets bestowed on him or (why) come (not) with him angels accompanying him in procession?" (Quran—43: 53)

Quran, at several places, negates this purely

material-oriented and worldly approach. However, it in no way, disapproves of acquisition of wealth or authority by lawful means or of governing the state according to His directives. One can cite several examples from history in which prophets or their followers, while in control of wealth or political power discharged their responsibilities in accordance with Allah (ST)'s will. Prominent among them are Prophets David, his successor Solomon, and their descendants (PBUT) whom Allah (ST) blessed both with kingdom and governance. There are several such examples in the history of the Children of Israel (Bani Israil). Most recent is the example of our beloved Prophet Mohammad (PBUH), who became the chief of the entire Hejaz region after the establishment of Islam. Then, after Allah (ST) had completed the prophetic mission with Prophet Mohammad (PBUH) the last in the sequence, the responsibility of propagating Islam along with the political governance transferred to the first four Caliphs (*khulafa-e-rashidin*). They played a significant role in spreading Islam and It's rule over a major part of the then known world. It is important to note that this expansion resulted despite Prophet Mohammad not being a son of a king or a sovereign and the four caliphs not from his progeny. It was all a reward of their efforts in the direction of establishing and propagating Islam, the religion of Allah (ST) and the way of life for all humans.

Messengers Address All Human Beings

Quran records that all messengers of Allah (ST) invited people only to Islam. Their address was

common to all. They addressed every individual and group of the nation they came to, with the same zest and zeal. They addressed the poor and rich, weak and powerful, and subjects and rulers alike. Their call was clear of any prejudice. Neither were they biased, against any section nor did they provide undue favour to any one. They sought guidance for everyone, and desired everyone to be on the path of truth.

Weaker Sections Support Messengers

As is well known; in every era, it were mostly the weak who responded immediately to the Islamic call. Also, almost invariably response to the call of Islam in the initial stages was mostly from the weaker sections of the society. In contrast, those obsessed with lush and lust for worldly pleasures, indulged in luxuries of life, and held the government aces, in general, were either the last to accept, or did not accept it at all. Indeed, most of them vehemently opposed Islam and proved strong obstacles in its propagation. However, as always, there have been exceptions of some pious people present in every section of the society; those who sacrificed everything to respond to Islam's call and supported it. The propagators of Islam need not be dismayed over the attitude of the rich and wealthy. The Quran records the following verse illustrative of this approach:

وَمَآ اَرْسَلْنَا فِيْ قَرْيَةٍ مِّنْ نَّذِيْرٍ اِلَّا قَالَ مُتْرَفُوْهَآ اِنَّا بِمَآ اُرْسِلْتُمْ بِهٖ كٰفِرُوْنَ ۝ وَ قَالُوْا نَحْنُ اَكْثَرُ اَمْوَالاً وَّ اَوْلاَداً وَّمَا نَحْنُ بِمُعَذَّبِيْنَ ۝ (سبا:۳۴،۳۵)

"Never did We send a Warner to a population,

> but the wealthy ones among them said: 'We believe not in the (Message) with which you have been sent.' They said: 'We have more in wealth and in sons, and we cannot be punished.'"
>
> (Quran–34: 34-35)

One of the many reasons for such a behavior of the rich and powerful is their arrogance and the idea that they alone possess intellect and wisdom. They perceive themselves to be equipped with prime intellect and others as foolish and unwise. They make fake claims about their wisdom, comprehension, and insight and in arrogance call any other thought or idea senseless and baseless, and in their self-delusion imagine that they are sole custodians of truth and knowledge. They fail to comprehend that their knowledge and wisdom that enabled them to acquire enormous worldly riches and wealth, could not be equated to truth and honesty. The slaves were considered, senseless and incapable even of conceiving a practical solution for freeing their own selves from the everyday oppression and excesses. The same slaves were not only able to recognize this call, but also became its torch bearers. Noah is one of the revered prophets. The leaders of his (PBUH) nation described his (PBUH) oppressed yet virtuous supporters as:

> فَقَالَ الْمَلَأُ الَّذِينَ كَفَرُوا مِنْ قَوْمِهِ مَا نَرٰكَ إِلَّا بَشَراً مِّثْلَنَا وَمَا نَرٰكَ اتَّبَعَكَ إِلَّا الَّذِينَ هُمْ أَرَاذِلُنَا بَادِيَ الرَّأْيِ وَمَا نَرٰى لَكُمْ عَلَيْنَا مِنْ فَضْلٍ بَلْ نَظُنُّكُمْ كٰذِبِيْنَ۝ (ہود:۲۷)
>
> "But the Chiefs of the Unbelievers among his people said: 'We see (in) you nothing but a man like ourselves: Nor do we see that any follow you but the meanest among us, in judgment immature:

> Nor do we see in you (all) any merit above us: In fact we think you are liars!" (Qur'an11: 27)

They wanted Prophet Noah to abandon his (PBUH) supporters who in their views were irrational and unwise. Prophet Noah, in reply to their unwise and stupid approach replied:

> وَمَآ اَنَا بِطَارِدِ الَّذِيْنَ اٰمَنُوْا ؕ اِنَّهُمْ مُّلٰقُوْا رَبِّهِمْ وَ لٰكِنِّيْٓ اَرٰىكُمْ قَوْمًا تَجْهَلُوْنَ ۝ وَيٰقَوْمِ مَنْ يَّنْصُرُنِيْ مِنَ اللّٰهِ اِنْ طَرَدْتُّهُمْ ؕ اَفَلَا تَذَكَّرُوْنَ ۝ وَلَآ اَقُوْلُ لَكُمْ عِنْدِيْ خَزَآئِنُ اللّٰهِ وَلَآ اَعْلَمُ الْغَيْبَ وَلَآ اَقُوْلُ اِنِّيْ مَلَكٌ وَّلَآ اَقُوْلُ لِلَّذِيْنَ تَزْدَرِيْٓ اَعْيُنُكُمْ لَنْ يُّؤْتِيَهُمُ اللّٰهُ خَيْرًا ؕ اَللّٰهُ اَعْلَمُ بِمَا فِيْٓ اَنْفُسِهِمْ ۚ اِنِّيْٓ اِذًا لَّمِنَ الظّٰلِمِيْنَ ۝ (ھود:۲۹-۳۱)
>
> But I will not drive away those who believe: for verily they are to meet their Lord, and you, I see are the ignorant ones! And, O my people, who would help me against Allah, if I drove them away? Will you not then take heed? I tell you not that with me are the treasures of Allah, nor do I know what is hidden, nor claim I to be an angel. Nor yet do I say, of those whom your eyes do despise that Allah will not grant them (all) that is good: Allah knows best what is in their souls: I should, if I did, indeed be a wrong-doer."
>
> (Quran-11:29-31)

The Weak Supported the Last Prophet (PBUH) Too

As with other prophets, the first respondents to Prophet Mohammad (PBUH)'s call to Islam were mostly the weak. In this connection it is interesting as well as significant to revisit the discussion between Abu Sufian, who had not embraced Islam as yet, and the

Roman emperor Hercules. Hercules asked him:

فاشرف الناس يتبعونه ام ضعفاؤهم؟

"Are the followers of Mohammad (PBUH) the elite of the society or the weak and neglected ones?"

Abu Sufian replied:

بل ضعفاؤهم

"The weak among the society support him (PBUH)."

Another prominent historian of early times reports Abu Sufian's reply in better way:

تبعه منا الضعفاء والمساكين فامّا ذُو الانساب والشرف فما تبعه منهم احد۔ (فتح الباری:۱/۳۶)

"The disadvantaged and deprived among us are supporting him (PBUH); as concerns the honored and respectable people from the privileged classes, none has supported him."

Listening to this, Hercules replied:

و هم اتباع الرسل (بخاری،کتاب الوحی)

"They (weak individuals) are the ones to follow the messengers."

Allama Ibn-Kathir, another dignified historian and analyst, generalizes the initial reaction to Prophet Mohammad (PBUH)'s call as:

كان غالب من اتبعه فى اول بعثته ضعفاء الناس من الرجال والنساء والاماء فلم يتبعه من الاشراف الا قليل

(تفسیرابن کثیر:۲/۱۵۳)

"During the initial stage of the Mohammad (PBUH)'s prophetic surge, people who answered his (PBUH) call were mostly weak men, women,

and slaves, while very few amongst the elite embraced Islam."(1)

Yet, The Arab chiefs and capitalists failed to understand a very basic concept that, the basis for Allah (ST)'s guidance is neither wealth nor power that one accumulates; rather it is *taqwa* and *faith* in Allah (ST). Limited by their narrow vision and immaturity of thought, they perceived that the requirement for Mohammad (PBUH)'s religion to be correct and true, is that the elite amongst the society should be the first ones to embrace it. What they actually saw was that the majority of the people embracing Islam were from the weak and deprived sections of the society. Since they had imagined the intellect and wisdom to be their property alone, they thought, that if the call had any good, it was impossible that the inopportune people of the society come forward and embrace it, while they lagged behind. According to Quran:

لَوْ كَانَ خَيْرًا مَّا سَبَقُوْنَآ إِلَيْهِ ط (الاحقاف:١١)

"If this (Message) were a good thing, (such 'lowly' men) would not have gone to it first, before us!"

Referring to these supporters of Islam, the unbelievers often commented, *"if truth and goodness is with these people, then why are these people hunger and poverty stricken, and why are they always in a dangerous trouble? Why doesn't their*

(1) Tafseer Ibn-e-Kathir, 153/2. In addition to the slaves and the weak, many right minded bold souls also embraced Islam and offered sacrifies. They include Abu Bakr, Ali, Usman, Saad bin Abi Waqas, Saeed bin Zaid, Jafar bin Abi Talib, Abdur Rahman bin Auf, Talha, Zubair, Musaab bin Umair, Arqam bin Abu Arqam and later Umar and Hamza. They no doubt, were socially superior; but most of them were young. They were not tribal chiefs and hence they also had to face trials and exusses.

situation get better? Does our present condition not reflect our wisdom and understanding in that we are the ones with the truth, while these unfortunate people have taken to an unwise and ignorant path?" The holy Quran reflects upon their mentality in these words:

وَ اِذَا تُتْلٰی عَلَیْهِمْ اٰیٰتُنَا بَیِّنٰتٍ قَالَ الَّذِیْنَ كَفَرُوْا لِلَّذِیْنَ اٰمَنُوْٓا ۙ اَیُّ الْفَرِیْقَیْنِ خَیْرٌ مَّقَامًا وَّ اَحْسَنُ نَدِیًّا ۝ (مریم:۷۳)

"When Our clear Signs are rehearsed to them, the Unbelievers say to those who believe, "Which of the two sides is best in point of position? Which makes the best show in council?"

(Quran – 19: 73)

One question worth addressing here is, when the general approach of the rich and powerful was negation of truth, how could people of Quraish including Abu Bakar, Ali, Uthman, Saad Bin Abi Waqas, Saeed bin Zaid, Jafar Bin Abi Talib, Abdur Rahman Bin Auf, Zubair, Maasab Bin Umair, and Arqam Bin Abu Arqam (May Allah be pleased with them) and very soon courageous and powerful people like Umar and Hamza (RA) alongside a number of slaves and subjugated ones embraced Islam, and offered exemplary sacrifices in its propagation?

The answer, as we mentioned earlier, is the exceptions to the norm present in every society. These people too, did have a noticeable status in the society, and it also provided significant strength to the Islamic movement. However, most of these people were young adults, who did not hold any position of authority in their tribes. Rather, they were under the influence of

their own tribe and had to bear enormous pressure from the family, tribe, and society.

Among the early companions of Prophet Mohammad were a large number of slaves and subjugated people like Khubab, Bilal, Ammar, and Zaid (may Allah be Pleased with them). The Arab chiefs tried to ridicule him (PBUH) for their companionship by statements like – *"Are these your supporters?* These were the only people you could find from your entire community. Are these the people upon whom Allah bestows His favors?' Are you happy and satisfied with these resources?" They further offered that, "if you alienate them, we can think about your message." Historical accounts record that Prophet Mohammad was advised by some companions to consider this offer.

(Tafseer Ibn-e-Kathir 2:134, Tafseer al-Manar 7:433, Qurtubi, Al-Jami li Ahkam al-Qur'an vol:3, Part:6 pp278-279)

However, since, Allah (ST) revealed Quran as a symbol of His (ST) affection and love for humankind in general, and the weak in particular it out-rightly rejected providing any special status to these Arab chiefs, which would only strengthen their egotistical feelings. To safeguard Prophet Mohammad (PBUH) from being swayed away by these thoughts and as a reprimand to his companions Quran decreed:

وَلَا تَطْرُدِ الَّذِيْنَ يَدْعُوْنَ رَبَّهُمْ بِالْغَدٰوةِ وَالْعَشِيِّ يُرِيْدُوْنَ
وَجْهَهٗ ؕ مَا عَلَيْكَ مِنْ حِسَابِهِمْ مِنْ شَيْءٍ وَّمَا مِنْ
حِسَابِكَ عَلَيْهِمْ مِنْ شَيْءٍ فَتَطْرُدَهُمْ فَتَكُوْنَ مِنَ
الظّٰلِمِيْنَ ○ وَ كَذٰلِكَ فَتَنَّا بَعْضَهُمْ بِبَعْضٍ لِّيَقُوْلُوْا اَهٰٓؤُلَاۤءِ
مَنَّ اللّٰهُ عَلَيْهِمْ مِنْۢ بَيْنِنَا ؕ اَلَيْسَ اللّٰهُ بِاَعْلَمَ بِالشّٰكِرِيْنَ ○

(الانعام:٥٢-٥٣)

"Send not away those who call on their Lord morning and evening seeking His face. In naught are you accountable for them, and in naught are they accountable for you, that you should turn them away, and thus be (one) of the unjust. Thus did We try some of them by comparison with others that they should say: 'Is it these then that Allah (ST) has favored from amongst us?' Does not Allah (ST) know best those who are grateful?"
(Quran– 6: 52-53)

Along similar lines, Quran also directs :

وَاصْبِرْ نَفْسَكَ مَعَ الَّذِيْنَ يَدْعُوْنَ رَبَّهُمْ بِالْغَدٰوةِ وَالْعَشِيِّ يُرِيْدُوْنَ وَجْهَهٗ وَلَا تَعْدُ عَيْنٰكَ عَنْهُمْ تُرِيْدُ زِيْنَةَ الْحَيٰوةِ الدُّنْيَا وَلَا تُطِعْ مَنْ اَغْفَلْنَا قَلْبَهٗ عَنْ ذِكْرِنَا وَاتَّبَعَ هَوٰهُ وَكَانَ اَمْرُهٗ فُرُطًا ۝ (الكهف:٢٨)

"And keep your soul content with those who call on their Lord morning and evening seeking His face; and let not your eyes pass beyond them seeking the pomp and glitter of this life; nor obey any whose heart we have permitted to neglect the remembrance of Us, one who follows his own desires, whose case gone beyond all bounds." (Quran– 18: 28)

This way, Islam appealed to the weak individuals as well as communities, they kept drawing towards it, and Islam kept embracing them all with the dignity and respect they deserved. Islam provided honor and pride to these weak and subjugated people and considered them its asset. In contrast was the conduct of Arab oppressors, who denied submitting themselves to the truth and honesty, yet, they wanted the weak to succumb to their lustful desires.

Concessions for the Weak in Islamic Law

Islam has a three-pronged approach towards the weak that relates to the religion—Islam, society, and state. Religion, is conventionaly associated with the notions of worship, rites, spiritual exercises, customs, and hardships which leads people to wonder whether the real religion can ever be a means to satisfy their developmental needs and provide them a relief from grief and misery. Or is it a way of self-torture and affliction of the soul. They wonder whether their weak soul is capable of bearing the burden of religion besides addressing the day-to-day demands of life. This challenge results mostly in two types of extreme responses. One, in utter despair and confusion, and with a feeling, sometimes of misfortune but mostly of sheer good luck, the majority simply strips off the religious fabric. In doing so, while they free themselves of the religious quandary, they get imprisoned in the vicious circle of worldly affairs. The other extreme is that of not possessing enough courage to break religious bonds; the believer then is completely alienated from worldly affairs causing distress to his family and society leading to major disruption in the social order.

Islam removes undue restrictions and hardships from faith and religion. Quran, revealed on Prophet Mohammad (PBUH), who is the role model for all Muslims, describes one of his qualities in the following words:

وَ يَضَعُ عَنْهُمْ إِصْرَهُمْ وَالْأَغْلٰلَ الَّتِيْ كَانَتْ عَلَيْهِمْ

(الاعراف:١٥٧)

"He releases them from their heavy burdens and from the yokes that are upon them." (Quran–7:157)

While studying Quran, it becomes evident at every step that the Supreme Being who revealed it is not only the Most Intelligent and Wise, but also the Most Gracious and Merciful. He (ST) is well aware of the strengths and talents as well as weaknesses, compulsions, and limitations of His creations. Islam's ideology is for all; men and women, young and elderly, knowledgeable and ignorant, ruler and ruled, rich and poor, employer and employee, sick and healthy, and travellor and resident; and accordingly, it provides suitable concessions in its decrees for all.

Responsibility Consonant With Capability

Islam endows responsibility in accordance with the capability and potential of a person. Every person's responsibility accords with his strength, and anything out of his reach is also out of his sphere of responsibilities. Quran clearly states:

لاَ يُكَلِّفُ اللّٰهُ نَفْسًا اِلاَّ وُسْعَهَا ط (البقرہ:٢٨٦)

"On no soul does Allah (ST) place a burden greater than it can bear. (Quran—2: 286)

It is significant to note the considerable difference that exists between potential and actual capability of a person. Consider, for example, the possibility of a person to walk a distance of approximately five to seven kilometers carrying a load of 50 or 100 kilos on his back. However, in doing so he exhausts his entire

strength, which, quite likely, renders him incapable of carrying any further load. This is an example of possibility, and not capability. Capability, on the other hand, refers to the optimum potential of a person to perform a task easily without an excessive effort and difficulty. Quran emphasizes this point as 'negation of hardship' and states:

وَمَا جَعَلَ عَلَيْكُمْ فِى الدِّيْنِ مِنْ حَرَجٍ ط (الحج:٧٨)

And has imposed no difficulties on you in religion;
(Quran—22:78)

The Arabic word *'Haraj'* refers to a dense shrub difficult to enter. From it stems the meaning 'extreme difficulty,' and it signifies absence of any impractical difficulty in Islamic law (Shariah). Therefore, it is essential to remove any 'haraj' in the way of performing any Islamic deed or obligation. Prophet Mohammad (PBUH)'s following narration corroborates:

بعثت بالحنيفة السمحة (مسند احمد:٥/٢٦٦)

"I have been sent with 'Deen -e- Haneef' (Monotheism—The religion of worshipping Allah (ST) alone) in which there is ease and comfort."

Quran, while ordaining *'Taqwa'* (Allah-fearing and piety), emphasizes:

فَاتَّقُوا اللّٰهَ مَا اسْتَطَعْتُمْ (التغابن:١٦)

"So fear Allah (ST) as much as you can;
Quran—64: 16

Prophet Mohammad (PBUH) elaborates this point as:

اِذَا اَمَرْتُكُمْ بِشيئٍ فأتوامنه ما استطعتم و اذا نهيتكم عن شيئ فدعوه (صحیح مسلم: کتاب الحج، باب فرض الحج مرۃ فی العمر)

"When I command you then act upon it as per your personal capability, and keep away from what I refrain you of."

The foundation of the entire Islamic law (*shariah*) is on '*negation of extreme difficulty*'. It applies the same rule in the context of the weak. In its regulations, Islamic law provides due considerations for physical weakness, illness, old age, travel difficulties, and financial problems. It asks people to discharge their duties only to the extent that their capabilities permit, and beyond it, exempts them. Allama Ibn-e-Hazam (RA), a prominent Islamic jurist, elucidates this rule as:

وكل فرض كلفه الله تعالىٰ الانسان فان قدر عليه لزمه و ان
عجز عن جميعه سقط عنه و ان قوى علىٰ بعضه و عجز عن
بعضه سقط عنه ما عجز عنه و لزمه ما قدر عليه
منه سواء اقله او اكثره (المحلّى:١/٦٩)

"Every obligation, which Allah ordains on humans, if they have the strength and potential then they must fulfill it to its core. If they do not at all have the capability and strength for a particular obligation, then it becomes completely exempt from them. However, If they are not able to discharge even one complete part of it, then the portion which they cannot perform is exempt, but the one they can perform, whether big or small, is compulsory."

Concession for the Weak in Acts of Worship

This aspect of the Islamic law regarding responsibility at par with capability is evident not only in acts of Islamic worship like prayers (*Sa'lah*) and fasting (*Sa'um*) but also in the civil, social, and

political regulations of Islam. Let us explore two examples that corroborate this point in some detail.

Prayer (*Salah*) ranks highest among the acts of worship next to faith. It is significant to note how Sha'riah provides concessions under various circumstances to enable people perform *Sa'lah.*

Consider, for example, cleanliness and purification (*Ta'harah*) through ablution or bath which is an essential requirement of *Sa'lah*. If a person is unable to perform ablution or take bath, either because of illness or unavailability of water, he can purify himself using dry mud or sand. This method of acquiring purification is called *Ta'yammum.*

The Second, noteworthy concession in prayer relates to the adverse circumstances and lack of ability that humans might face. *Sa'lah*, comprises of several acts like *Qiyam* (standing up while reciting Quran), Ruku (Bowing down in gratitude) *Sujood* (prostration), and *Qaydah* (sitting). Even for these acts, simple and easy as they are compared to the rites and rituals of prayers prescribed in other religions, Islam provides concession. For example, if a person because of a state of sickness, disadvantage, or travel, cannot stand in prayer, he can sit and pray. If he cannot sit, he can lie down, and even if that is not possible, he can perform this religious obligation through signs alone. The third type of consideration in prayers relates to general human weaknesses like forgetting or falling asleep, or unconsciousness. For example, prayers are prescribed five times a day. If a person falls asleep, or forgets, then whenever he remembers or wakes up, he can

perform the prayers. However deliberate negligence is not allowed. The fourth consideration in prayers concerns collective prayers. It is compulsory for men to perform the obligatory (farz) portion of each in a mosque following an Imam (leader for the prayer). Islam guides the Imam (leader) to lead the prayer with due considerations for weak, elderly, and sick. The following *hadith* of Prophet Mohammad (PBUH) in this context is noteworthy:

مَنْ اَمَّ قَوْمًا فليخفّف فان فيهم الكبير و ان فيهم المريض و ان فيهم الضعيف و ان فيهم ذا الحاجة (مسلم، کتاب الصلوٰۃ، باب امر الائمۃ تخفیف الصلوٰۃ فی تمام)

"The person who leads a congregation in prayer (Salah) should recite small surahs, as it has elderly, ill, needy, and people in various states."

Another example illustrative of the concessions for the weak in Islamic law is fasting – the second most important deed of worship. Fasting, prescribed in every religion, ranges in mode and duration. In some, it is for a part of the day; others have it for a complete day, and still others for several days in continuation. Islam prescribes a moderate, yet focused, mode of fasting beginning at dawn (beginning of fajr) and completing at sunset (Maghrib). Neither duration, nor timings change. It is for a fixed period of one fixed month, the Ramadan, in a year and not for the entire life in continuation. Despite such a flexible approach, it sticks to its basic principle of responsibility at par with the capability. There is concession for sick or travelling persons and for pregnant women and feeding mothers. They can compensate for the obligatory fasts by fasting

on other days when they are in normal circumstances. Not only this, if a person is too weak because of old age or prolonged and continued sickness, and can no longer perform fasting, he should feed a needy. However, intentional transgression is a sin. Notice, how beautifully Quran puts forth, Allah (ST)'s generosity and care for the human weaknesses in the following part of a verse from *Surah –e- Baqarah*:

يُرِيْدُ اللّٰهُ بِكُمُ الْيُسْرَ وَلَا يُرِيْدُ بِكُمُ الْعُسْرَ (البقرہ:۱۸۵)

"Allah (ST) intends every facility for you; He does not want to put you to difficulties" (Quran—2:185)

Some of the other religious acts illustrative of special considerations for the weak are *Zakah* and *Hajj*. *Za'kah* (Charity), an important Islamic deed, is a very important means of financial support to the weaker sections of the society. Compare it with the concept of religious taxes, which is in existence since centuries to a lesser or a larger extent, and is obligatory on everyone irrespective of whether or not the person possesses the means to pay it. *Za'kah* is a versatile concept, which helps circulate resources provided by Allah (ST) within the society in order to meet the needs of the poor and needy. It is obligatory only on those who possess at least the minimum prescribed amount of wealth apart from that required for their daily needs. Those devoid of the minimum prescribed wealth are exempt from it.

Likewise, *Hajj* (pilgrimage) is another Islamic obligation, which requires people to visit Mecca, the centre of Islam, for spiritual elevation and advantage. This again, has a precondition of ability. If the ability

lacks, the obligation automatically drops. In this case, the ability refers both to physical as well as financial. Quran clearly declares this exemption in case of the lack of ability:

وَلِلّٰهِ عَلَى النَّاسِ حِجُّ الْبَيْتِ مَنِ اسْتَطَاعَ اِلَيْهِ سَبِيْلاً

(آل عمران:۹۷)

"Pilgrimage thereto is a duty men owe to Allah (ST), - those who can afford the journey; "

(Quran–3: 97)

Financial Responsibility According to Capacity

In the Islamic family system, the onus of all financial responsibilities is on the husband. Quran describes the Islamic stand on these responsibilities and considers them to be at par with the provision in the following words:

لِيُنْفِقْ ذُوْ سَعَةٍ مِّنْ سَعَتِهٖ ط وَ مَنْ قُدِرَ عَلَيْهِ رِزْقُهٗ فَلْيُنْفِقْ مِمَّآ اٰتٰـهُ اللّٰهُ ط لاَ يُكَلِّفُ اللّٰهُ نَفْسًا اِلاَّ وُسْعَهَا سَيَجْعَلُ اللّٰهُ بَعْدَ عُسْرٍ يُّسْرًا ۝

(الطلاق:۷)

"Let the man of means spend according to his needs: and the man whose resources are restricted, let him spend according to what Allah (ST) has given him. Allah (ST) puts no burden on any person beyond what He has given him. After a difficulty, Allah (ST) will soon grant relief."

(Quran – 65: 7)

Disabled Exempt from Jihad

Jihad is another Islamic obligation. The Islamic concept of Jihad is to strive in the way of Allah (ST) with the required might; it is inclusive of spiritual,

monetary, as well as physical aspects; its epitome is sacrificing one's own life for the cause of Islam. Significant concessions, in this prime obligation, relate to those who do not possess physical means or are disabled or lack monetary resources. However, a person, avoiding Jihad despite possessing resources, is certainly a sinner. The following verses from Quran help us understand the Islamic spirit.

لَيْسَ عَلَى الضُّعَفَآءِ وَلاَ عَلَى الْمَرْضٰى وَلاَ عَلَى الَّذِيْنَ لاَ
يَجِدُوْنَ مَا يُنفِقُوْنَ حَرَجٌ اِذَا نَصَحُوْا لِلّٰهِ وَ رَسُوْلِهٖ ؕ مَا عَلَى
الْمُحْسِنِيْنَ مِنْ سَبِيْلٍ ؕ وَاللّٰهُ غَفُوْرٌ رَّحِيْمٌ ۙ وَّلاَ عَلَى الَّذِيْنَ
اِذَا مَآ اَتَوْكَ لِتَحْمِلَهُمْ قُلْتَ لَآ اَجِدُ مَآ اَحْمِلُكُمْ عَلَيْهِ ص
تَوَلَّوْا وَّ اَعْيُنُهُمْ تَفِيْضُ مِنَ الدَّمْعِ حَزَنًا اَلَّا يَجِدُوْا مَا
يُنفِقُوْنَ ؕ اِنَّمَا السَّبِيْلُ عَلَى الَّذِيْنَ يَسْتَاْذِنُوْنَكَ وَ هُمْ
اَغْنِيَآءُ ۚ رَضُوْا بِاَنْ يَّكُوْنُوْا مَعَ الْخَوَالِفِ ۙ وَ طَبَعَ اللّٰهُ عَلٰى
قُلُوْبِهِمْ فَهُمْ لاَ يَعْلَمُوْنَ ۝ (التوبۃ:۹۱-۹۳)

"There is no blame on those who are infirm, or ill, or who find no resources to spend (on the Cause), if they are sincere (in duty) to Allah (ST) and His Messenger: no ground (of complaint) can there be against such as do right: and Allah (ST) is Oft-Forgiving, Most Merciful. Nor (is there blame) on those who came to you to be provided with mounts and when you said, 'I can find no mounts for you,' they turned back, their eyes streaming with tears of grief that they had no resources therewith to provide the expenses. The ground (of complaint) is against such as claim exemption while they are rich. They prefer to stay with the (women) who remain behind: Allah (ST) has sealed their hearts; so they know not (What

they miss)." (Quran–9: 91 – 93)

(For details see my article "Jihad not obligatory on the disabled" in Quarterly Tahqeeqat-e-Islami Aligarh. (Jan - Mar. 2004)).

Importance of Firmness and Fortitude

Islam urges people to observe *'sabr'* for their disadvantage in any faculty - physical, emotional, financial, economic, political, social, or any other. With the passage of time, as with many other Islamic terms, the real meaning of *'sabr'* seems to have been lost. *'Sabr'* is now conventionally conceived as passive tolerance. Therefore, *'sabr'* has often instilled pessimistic feelings like being 'out of action,' cowardice, 'submission to circumstances,' and 'living in disadvantage.' However, *'sabr'* actually has an extremely optimistic connotation of patience, perseverance, and ambitious resolve. *'Sabr'* refers to courageously confronting and dealing with the odd circumstances; without losing heart even in the face of defeat; and revitalizing one's self for persistent endeavor. *'Sabr'* is the key to success and triumph. It endows upon humans new life and strength. *'Sabr'* is required not just in one, but all walks of life. *'Sabr'* means that people acknowledge the high moral standards of life and strive continuously to achieve them. '*Sabr*'signifies fighting against sinful desires, illegitimate family customs and traditions, and sinful conduct and immoral acts in the society, as also to save one's own self moral downfall. *'Sabr'* denotes refraining from undignified acts even in difficult and trying times. *'Sabr'* further means keeping faith in Allah and contentedly accepting Allah's decisions even

in challenging and difficult times. In the absence of this very significant quality, the *sabr*, it is highly improbable for humans to elevate themselves to excellence in intellectual, moral, civil, social, or any other sense. *'Sabir'* (One who practices *sabr*) is the one worthy of dignity and respect in this world.

Quran strongly urges people to practice *sabr* (patient perseverance) in trying times, and declares it a means of success in this world and the Hereafter. Quran emphasizes *'sabr'* in a large number of verses, whose mention is out of scope at this point. However, to this point, we cite the following verses from Quran:

وَلَنَبْلُوَنَّكُمْ بِشَيْءٍ مِّنَ الْخَوْفِ وَالْجُوْعِ وَ نَقْصٍ مِّنَ الْاَمْوَالِ وَالْاَنْفُسِ وَالثَّمَرٰتِ ۭ وَ بَشِّرِ الصّٰبِرِيْنَ ۝ الَّذِيْنَ اِذَآ اَصَابَتْهُمْ مُّصِيْبَةٌ ۙ قَالُوْٓا اِنَّا لِلّٰهِ وَ اِنَّآ اِلَيْهِ رٰجِعُوْنَ ۝ اُولٰٓئِكَ عَلَيْهِمْ صَلَوٰتٌ مِّنْ رَّبِّهِمْ وَ رَحْمَةٌ ۣ وَ اُولٰٓئِكَ هُمُ الْمُهْتَدُوْنَ ۝ (البقرة:١٥٥-١٥٧)

"Be sure We shall test you with something of fear and hunger, some loss in goods or lives or the fruits (of your toil), but give glad tidings to those who patiently persevere, - Who say, when afflicted with calamity 'To Allah (ST) we belong, and to Him is our return': - They are those on whom (descend) blessings from Allah, and Mercy, and they are the ones that receive guidance."

(Quran—2:155-157)

How can those who defy faith in the Day of Judgment, comprehend and believe in the concept of success, virtue, and reward of the hereafter? They consider it to be a cock-and-bull story cooked up for the gullible and simple-minded. We are not arguing

about the notion of the Day of Judgment at this point; rather we wish to emphasize a very significant implication of the belief in the concept of the *Akhirah* (life in the Hereafter). The faith in *Akhirah* facilitates us in overcomming the feelings of deprivation and disadvantage. People with faith in *Akhirah* are never hopeless, distressed, or desolate. They can happily bear the biggest of losses. How else could humans, weak and susceptible as they are, remain steadfast in a world, which often subjects them to situations of extreme sorrow and grief, almost on a regular basis. To understand this point, let us consider the example of a person who loses his sight rendering all glow and radiance of this world meaningless for him. Yet, his resolution to live with the faith in *Akhirah* gives him hope that not only will Allah (ST) more than make-up for this loss, but will also bestow upon him His reward and honor. He will then find solace even in his deprivation, and will actively participate in worldly affairs and perform his role in the society with diligence and determination. Consider yet another example of a person, who in some grave incident, loses his child in prime youth; he loses all charm in this life. Yet, if he lives with the faith that this worldly loss ensures not only a great reward, but also return of his lost child in the *Akhirah*, he will then foresee profit even in this loss. The faith in '*Akhirah*,' the Day of Judgment, sensitizes humans to a higher conception and brings about a qualitiative change in their thoughts and actions, which would be unimaginable otherwise. It changes their approach to life from a pessimistic to an optimistic one. Yet, some of us still choose to live

without the faith in *Akhirah*.

It emerges from the above discussion that Islam's approach is a two-dimensional one. The first dimension is the comprehensive and elaborate concessions that it ensures for the disadvantaged and weak in discharging the various religious and social obligations with ease, both at an individual and collective levels. The second is the spiritual solace that it provides through its most important faith – the faith in *Akhirah*, which changes their entire approach to life. It is clear that Islam's approach enables the weak to strive against their disadvantages and deprivations of this world, and they become capable of actively leading their lives, playing a constructive role in their society, nation, and the world as a whole.

(For details; see the author's book: " Islam and trials of life".)

Safeguarding the Weak Against Oppression*

Islamic scholars define *'zulm'* (tyranny or oppression) as displacing something from its rightful place (possibly by causing inappropriate change in its size, form, or position in time and space). It is evident that such an adverse change would reduce its utility and effectiveness. There are three categories of *'zulm'*. One, which a human commits in his duties towards Allah, its worst form being *'kufr'* (Negation of Allah), *'shirk'* (Polytheism or sharing others in the attributes of Allah), and *'Nifaq'* hypocrisy. The second category is one in which humans inflict excesses on fellow human(s). The third category refers to excesses on personal self. Insight into the practical implications of all types of *'zulm'* reveals that they ultimately lead to human degradation. The holy Quran describes all these categories of *'zulm'*. In his work, *Mufarridat –ul–Quran* Imam Raghib presents the details of this concept. For our purpose, we will limit our discussion to the excesses that humans commit on fellow humans.

One can never justify oppression. Subjugation of even a single person to oppression should be a humiliation for the entire world. Nonetheless, neither

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* "Zulm" according to scholars means "displacing some thing from its rightful location"; be it in quantity on time and space. obviously such a dislocation affects its utility. Zulm is of three types (a) with regard to Allah's rights (examples are Kufr, shirk and hypocricy). (b) with regard to other people (c) with regard to one's own self. In a sense, the first two catagories are aspects of the third. (See Raghib: Mafradatul Qur'an, Page 318-319). We are discussing Zulm of the second type, here.

our past nor present is free from injustices and cruelties directed both against individuals and groups in our society. The weak have always been the prime target of oppression. This is one side of the world history and a very dark side. It shows people, both as individuals and groups, inflicting excesses on the weak and depriving them of wealth, dignity, self-esteem, and even life; that too without any significant resistance.

Position of the Weak Prior to Islam

Islam came to a society where extreme oppression prevailed both at individual and collective levels. Slaves met brutality at the hands of their owners; men subjugated women; orphans faced mutilation of their rights by their namesake guardians; Locals imperiled and looted wealth and lives of tourists and foreigners who were away from their hometowns; while disadvantaged and powerless had none even to hear their cries. Oppression with all its might was targeting the weak and powerless wherever and whenever possible. Quran portrays this situation as:

كَلَّا بَلْ لَّا تُكْرِمُوْنَ الْيَتِيْمَ ۙ وَلَا تَحٰٓضُّوْنَ عَلٰى طَعَامِ الْمِسْكِيْنِ ۙ وَ تَاْكُلُوْنَ التُّرَاثَ اَكْلًا لَّمًّا ۙ وَّ تُحِبُّوْنَ الْمَالَ حُبًّا جَمًّا ۝ (الفجر:١٧-٢٠)

Nay, nay! But you honor not the orphans! Nor do you encourage one another to feed the poor!- And you devour inheritance—all with greed, and you love wealth and inordinate love.

(Quran– 89: 17-20)

After the Habsha migration, the exemplary speech delivered by Jafar Tayyar (RA) in the court of Najashi,

provides a clear picture of the society at that time.

ایها الملک کنّا قوما اهل جاهلیة نعبد الاصنام و نأکل المیتة وَ نأتی الفواحش و نقطع الارحام و نسئ الجوار یأکل القویُّ منّا الضعیفَ

"O' King, we were an ignorant and illiterate tribe who worshipped idols, ate dead meat, indulged in immoralities, cut our blood relations, and ill-behaved with our neighbors. Conclusively, the powerful among us ate up the weak."

Islam Enjoins Polite Behavior Towards the Weak

After this, Jafar introduced the resurgence of Prophet Mohammad (PBUH) and his teachings in these words:

کنّا علیٰ ذٰلک حتیٰ بعث اللّٰہ الینا رسولا منا نعرف نسبهُ و صدقه و أمانته و عفافه فدعانا الی اللّٰہ لنوحده و نعبده و نخلع ما کنا نحن نعبد و اٰباء نا من دونه من الحجارة والاوثان و امرنا بصدق الحدیث و اداءِ الامانة وصلة الرحم و حسن الجوار والکف عن المُحارم والدماء و نهانا عن الفواحش و قول الزور و اکل مال الیتیم و قذف المُحصنة و امرنا ان نعبد اللّٰہ وحده ولا نشرک به شیئا و امرنا بالصلوة والزکاة والصیام۔ (مسند احمد: ۱/۲۰۲، ۵/۲۹۱۔ ابن ہشام: ۱/۳۵۸-۳۵۹)

"This was our condition, in this condition, Allah (ST) sent us a Messenger from among us. We are aware of his genealogy, descent, truth, honesty, and piety. He (PBUH) invites us to Allah (ST) that we accept Him (ST) as our Lord and

worship Him alone. We should distance from the stones and idols we worshiped. He commands us to speak truth, pay back in full what people entrust, be kind towards our relations, and to be good to our neighbors; refrain from Ha'ram (unlawful), bloodshed, and immoral acts. He (PBUH) instructs us to abstain from false allegations on pious women. He tells us that we worship Allah (ST) alone, and not to associate any other with him. He further commands us of prayers, alms and charity, and fasting."

This is the portrayal of Islam, which a *da'ee* of the early era of Islam offered to a king. It articulates Islam's invitation to all to worship Allah (ST) alone, refrain from associating anyone with Allah, and adhering to high moral values. It guides humans to a sympathetic attitude and recognition of rights of the weak, and shuts down all roads that lead to excesses and tyranny.

Allah Never Commits Excesses on Anyone

To eradicate excesses and oppression, Islam elucidated its unique conception, educated the society, and created an environment in which a person, before committing any kind of tyranny or excesses had to think twice. To this end, Islam, first sensitized human beings and invited them to consider the moral standards set by Allah (ST), the creator and sustainer of this world. It informed them that Allah (ST) neither Himself resorts to any injustice or excesses, nor approves of them. Quran affirms repeatedly that Allah (ST)'s conduct is free of excesses. He (ST) never commits any excess on anyone. The following two verses illustrate the same:

إِنَّ اللّٰهَ لاَ يَظْلِمُ مِثْقَالَ ذَرَّةٍ (النساء:۴۰)

Allah is never unjust in the least degree.
(Quran—4:40)

Quran reinforces the same point at another place, as:

إِنَّ اللّٰهَ لاَ يَظْلِمُ النَّاسَ شَيْئًا (یونس:۴۴)

Verily Allah (ST) will not deal unjustly with man in aught; (Quran—10: 44)

Allah (ST) Dislikes Excesses

After declaring His own conduct as the role model for all human beings to follow, He (ST) then pronounces His (ST) command to His subjects to adopt the same character. He (ST) asserts extreme dislike concerning His subjects traversing a path of tyranny and oppression and adopting a general tendency of cruelty and excess. The following sections of the two verses from Quran corroborate this point:

۱ – وَلاَ تَعْتَدُوْا ط إِنَّ اللّٰهَ لاَ يُحِبُّ الْمُعْتَدِيْنَo (المائدۃ:۸۷)

1—And commit no excesses; for Allah loves not those given to excess. (Quran—5:87)

۲ – وَاللّٰهُ لاَ يُحِبُّ الظّٰلِمِيْنَo (آل عمران:۱۴۰)

2—And Allah loves not those who commit excess.
(Quran—3:140)

The following *Hadith-e-Qudsi* presents the same in a very effective manner.

یا عبادی انی حرمت الظلم علی نفسی و جعلته بینکم محرّما فلا تظالموا (مسلم: کتاب البر والصلہ، باب تحریم الظلم۔ مسند احمد ۵/۱۶۰)

"O' my servants, I made oppression illegal for my

own self and illegal for you too. Therefore, you should refrain from committing excesses on each other."

In another hadith, Prophet Mohammad (PBUH) further reinforces this point:

ان اللّٰه اوحی الیّ ان تواضعوا حتی لا یفخر احد علٰی احد ولا یبغی احد علی احد (مسلم: کتاب الجنۃ، باب الصفات التی یعرف بہا اہل، ابوداؤد، کتاب الادب، باب فی التواضع۔)

"Allah has revealed to me that you should adopt humility and modesty to the extent that no one is proud nor commits excesses towards others."

Condemnation of Oppressors

One object of extreme criticism that Quran directs against Jews is their indulgence in cruelty and excesses and use of unlawful and illegal means to earn money. The following verse is illustrative:

تَرٰی كَثِيْرًا مِّنْهُمْ يُسارِعُوْنَ فِى الْاِثْمِ وَالْعُدْوَانِ وَ اَكْلِهِمُ السُّحْتَ ط (المائدہ:٦٢)

"Many of them do you see racing each other in sin and rancor, and their eating of things forbidden." (Quran—5:62)

The Powerful Must Not Oppress the Weak

Power and wealth lead many a narrow-minded and malicious humans to arrogant behavior. They begin misusing their power and wealth and try to suppress and subjugate fellow humans. In contrast, one expects that their position and authority would render them kind and gracious towards Allah (ST)'s servants and sensitize

them to help the deprived and needy. However, their attitude is deprived of all civil, moral, or ethical considerations. It is extremely painful to realize that instead of good only evil and grief usually emerges from the rich.

Hadith records that Allah (ST) extremely dislikes and disapproves of three persons. One, who commits adultery in the old age, second, who despite poverty and destitution does not shun arrogance, pomp, and pride, and the third ,who with acquisition of wealth resorts to injustice and oppression. (Tirmizi, Kitab Sifat al-Jannah, Nasai, Kitab al-Zakat)

Allah (ST)'s decisions never lack wisdom and sense. Sometimes He (ST) reprimands humans by testing them with hardship and poverty, while the others He (ST) tests them with abundant wealth and power. In the face of poverty, He wants them to realize their wrongs and return to Allah with sincerity and due humility. Allah (ST) strongly disapproves of those who do not benefit from His reprimand, and continue their arrogance and conceit. Likewise, human responsibilities grow with his increasing wealth and resources. Those who do not appreciate this favor of Allah and do not realize their greater responsibilities and continue to commit excesses on fellow humans, invite Allah (ST)'s wrath.

While this *hadith* admonishes the weak not to become arrogant and prejudiced, it strongly urges the powerful to refrain from excess and oppression. This *hadith* is a clear example of Islam's sense of equality and inculcates positive change in both the powerful and weak, and trains them in specific directions.

Beware of the Laments of the Weak

Subjecting innocent humans to oppression and excesses or denial of their rights invites Allah (ST)'s wrath. Prophet Mohammad (PBUH) warns people to be wary of the laments and curses of the oppressed, because when an oppressed person makes a plea to Allah (ST) He responds instantly and there is no hurdle in its acceptance. The prophet's instruction to Maaz bin Jabal (RA) when designating him as the governor of Yemen corroborates this point. The *hadith* records:

اتق دعوة المظلوم فانه ليس بينه و بين الله حجاب

(بخاری: ابواب المظالم والقصاص، باب دعوۃ المظلوم۔ مسلم: کتاب الایمان، باب الدعاء الی الشہادتین وشرائع الاسلام)

"Save yourself from the expletive of the aggrieved, because there is no cover between him and Allah."

Ali (RA) too narrates a similar hadith recording prophet Mohammad (PBUH) said:

اياک و دعوةَ المظلوم فانما يسال الله حقه و ان الله لا يمنع ذا حق حقه (مشکوۃ المصابیح: کتاب الآداب، باب الظلم بحوالہ بیہقی)

"Save yourself from the laments of the oppressed, because he asks his right from Allah (ST) and Allah does not deny the right of the deserving."

There is no ground for oppression even against a corrupt, dishonest, irreligious, or unbelieving individual. Allah (ST) will listen to their vows, and will not save the oppressor. The following *hadith* supports this argument:

دعوة المظلوم مستجابة و ان كان فاجرا ففجوره على

نفسه (قال المنذری رواہ احمد باسناد حسن۔ الترغیب والترہیب:۳/۱۳۰)

"Prayer of the oppressed is answered, even if he is a corrupt. The corruption relates to his personal self, and he will be punished for it."

Consider another hadith along this line of reasoning:

اتقوا دعوة المظلوم و ان كان كافرا فانه ليس دونها حجاب (قال المناوی رواہ احمد وابویعلی والضیاء المقدسی واسنادہ صحیح۔ التیسیر بشرح الجامع الصغیر:۱/۳۱)

"Save you from the vows and grievances of oppressed to Allah, even though he may be an unbeliever, as there is no hurdle in its acceptance."

Abu Hurairah (RA) narrates that in the context of the prayer of aggrieved, Prophet Mohammad (PBUH) said:

ثلثة لا ترد دعوتهم الصائم حين يفطر والامام العــــادل و دعـوة المظلوم يرفعها الله فوق الغمام و تفتح لها ابواب السماء و يقول الرب و عزتی لانصرنّک و لــو بعد حين (ترمذی: کتاب الدعوات، باب...)

"Allah does not reject the prayers of three persons: The prayer of a fasting person, when he prays at the time of 'aftar' (completing the fast), the prayers of a just leader (Imam), and the prayer of the oppressed; whose prayers Allah raises above the clouds and opens the doors of the sky for it and says: 'I swear by my honor and glory, I will sure help you even if it may be after sometime.'"

Under the influence of power and wealth, the

oppressor should not imagine the oppressed or weak to be helpless or without a savior; for Allah (ST) is the savior of the weak. The laments and grumbles of the weak directly reach Allah (ST)'s glorious throne, and can, at any moment, bring wrath to the oppressor.

Dire Consequence of Oppression in This World

Quran and *Ahadith* (Prophet Mohammad's deeds and sayings) repeatedly admonish those who resort to excesses under the influence of power and wealth and *neglect* the fact that this universe is not Godless. When they ignored the Lord—the sovereign governing this universe, who, extremely dislikes oppression, and therefore, can twist off their claws, they bore extremely dreadful consequences. The following narration by Abu Musa Asha'ri (RA)'s substantiates the above viewpoint. Prophet Mohammad (PBUH) records:

انّ الله ليملى الظالم حتى اذا اخذه لم يفلته

"Allah keeps providing leniency to the oppressor for some time, but when He (ST) decides to seize, there is no escape for him."

After this, He (PBUH) recited the following verse:

وَ كَذٰلِكَ اَخْذُ رَبِّكَ اِذَا اَخَذَ الْقُرٰى وَ هِيَ ظَالِمَةٌ اِنَّ اَخْذَهٗ اَلِيْمٌ شَدِيْدٌ (ہود:٦)

(بخاری، کتاب التفسیر (سورۃ ہود)، مسلم، کتاب البرّ والصلۃ، باب تحریم الظلم)

And such is the chastisement of your Lord when he chastises communities in the midst of wrong: grievous, indeed, and severe is His chastisement.

(Quran—11: 102)

Another *hadith* reinforces Allah (ST)'s dislike for

oppression; Prophet Mohammad (PBUH) told:

ما من ذنب أجدر أن يعجل اللّٰه تعالى لصاحبه العقوبة فى الدنيا مع ما يدخر له فى الاٰخرة مثل البغى و قطيعة الرحم

(ابوداؤد: کتاب الادب، باب فی النہی عن البغی)

"Committing excesses and killing of blood relations are two such sins that no other sin deserves Allah's wrath quickly in this world, besides the punishment that awaits the sinner(s) of this crime in the Hereafter."

Humans who neither understand Allah (ST)'s laws, nor take lessons and admonitions from the past, themselves become a tragic lesson and warning sign for others. No one can save the accomplices to oppression from its evil consequences—the destiny of the oppressors.

The Fate of Oppressor in the Hereafter

In the previous sections, we discussed the destiny of oppressors in this world. The following verse from Quran sketches their dreadful fate in the Hereafter.

وَلاَ تَحْسَبَنَّ اللّٰهَ غَافِلاً عَمَّا يَعْمَلُ الظّٰلِمُوْنَ ۬ۀ اِنَّمَا يُؤَخِّرُهُمْ لِيَوْمٍ تَشْخَصُ فِيْهِ الْاَبْصَارُ ۬ۙ مُهْطِعِيْنَ مُقْنِعِيْ رُءُوْسِهِمْ لاَ يَرْتَدُّ اِلَيْهِمْ طَرْفُهُمْ ۚ وَاَفْئِدَتُهُمْ هَوَآءٌ ۬ۀ وَ اَنْذِرِ النَّاسَ يَوْمَ يَاْتِيْهِمُ الْعَذَابُ فَيَقُوْلُ الَّذِيْنَ ظَلَمُوْا رَبَّنَآ اَخِّرْنَآ اِلٰى اَجَلٍ قَرِيْبٍ ۙ نُّجِبْ دَعْوَتَكَ وَ نَتَّبِعِ الرُّسُلَ ؕ اَوَلَمْ تَكُوْنُوْٓا اَقْسَمْتُمْ مِّنْ قَبْلُ مَالَكُمْ مِّنْ زَوَالٍ ۬ۙ وَّ سَكَنْتُمْ فِيْ مَسٰكِنِ الَّذِيْنَ ظَلَمُوْٓا اَنْفُسَهُمْ وَ تَبَيَّنَ لَكُمْ كَيْفَ فَعَلْنَا بِهِمْ وَ ضَرَبْنَا لَكُمُ الْاَمْثَالَ ۝

(ابراہیم:۴۲-۴۵)

"Think not that Allah does not heed the deeds of those who do wrong. He but gives them respite against a Day when the eyes will fixedly stare in horror, - They running forward with necks outstretched , their heads uplifted, their gaze returning not towards them, and their hearts a (gaping) void! So warn mankind of the Day when the Wrath will reach them: then will the wrongdoers say: 'Our lord! Respite us (if only) for a short term: we will answer your call, and follow the messengers!' 'What! Were you not want to swear aforetime that you should suffer no decline? And you dwelt in the dwellings of men who wronged their own souls; you were clearly shown how We dealt with them; and we put forth (many) Parables on your behalf!'" (Quran: 14:42—45)*

One aspect associated with the meaning of oppression is darkness. This meaning stems from Prophet Mohammad (PBUH)'s interpretation of oppression as darkness, as recorded in His (PBUH) following narration:

الظُّلْمُ ظلمات يوم القيامة (بخاری: کتاب المظالم والقصاص، مسلم: کتاب البر والصلة، باب تحریم الظلم)

"On the Day of Judgment, oppression will loom in darkness."

It implies that darkness will surround the oppressor from all sides on the Day of Judgment, and he will be denied the light that leads to the Heaven. Jabir bin Abdullah (RA) narrates another *hadith* supporting the

* Qur'an calls 'Shirk' and 'Kufr' as varieties of 'Zulm'; they will lead to grave consequenses in Akhirah. In the verses quoted; basically this sense of 'Zulm' is implied. However, under the influence of Shirk, a person's behaviour towards others beomes barbaric and inhuman. That ofcourse is also 'Zulm'. the tow kinds of 'Zulm' differ in mature; the punishment will also be different.

above; Prophet Mohammad (PBUH) said:

اتقوا الظلم فان الظلم ظلمات يوم القيامة واتقوا
الشح فان الشح اهلک من کان قبلکم حملهم علی
ان سفکوا دماء هم واستحلّوا محارمهم (مسلم: کتاب البر
والصلۃ، باب تحریم الظلم)

"Save yourself from oppression, as it will come back to you as gloom on the Day of Judgment. Save yourself from parsimony, as it destroyed many before you.

This *hadith* prohibits parsimony or stinginess along with oppression. These two are fairly correlated. We will now explore this correlation and its consequences to social order. Stinginess refers to general miserly cheese-paring attitude whereas, oppressors' attitude is to amass wealth and refusal to pay back the due right. Both of them essentially lead to stagnation of resources at one place and hinder their flow in the society. This causes economic imbalance, and therefore, at large social disorder. Consider, for example, that one of the due rights of fellow humans is that if they do not have enough resources to meet their basic needs, other humans having abundant resources should refrain from miserliness and spend some portion of Allah (ST)'s granted wealth on His (ST) servants. Its negation has grave consequences. It is common knowledge that human rights violation, economic imbalance, and refusal of due obligations essentially sets off tension and unrest. Gradually sedition and violence erupt, which engulf the entire society in collective acts of killing and devastation, escape from which becomes highly improbable. Notice

the extreme significance of this *hadith* in the context of sustaining world order.

Oppression Unforgivable in the Hereafter

Ahadith record that oppression and excesses are crimes unforgiveable in the Hereafter. Allah will avenge the oppressor and will ensure that the oppressor pays back the right of the exploited. In order to save from Allah (ST)'s wrath, the oppressor must compensate for his excesses in this world. Accordingly, Aiysha (RA) narrates Prophet Mohammad (PBUH)'s record as:

> "There will be three types of registers (of sins and excesses). First register Allah will never forgive. The second one will not be significant for Allah; he may forgive if he wishes. The third will be the one which Allah will compulsorily avenge. The excess that Allah will not forgive is 'Shirk' (Enjoining others with Allah). He (ST) himself, therefore, says: 'Allah will deny Jannah (Heavens) to the one who enjoins others with Him (ST).' The excesses, which He may forgive are the ones which humans commit, save shirk, towards Allah. For example, if a person leaves a fast or two or did not pray a couple of the times, Allah may pardon it. The excesses that Allah will settle the account of are the ones that humans commit on fellow humans. He will not let go off any human without recompense for his excesses. He (ST) will avenge the oppressor and ensure the due right of the oppressed." (Musnad Ahmad 6:240, Baihaqi, She'ab al-Imam (Mishkat, Kitab al-Adab)

Prophet Mohammad (PBUH) once asked his companions, "do you know who is a destitute?". The

companions replied, "destitute is one who does not have money, wealth, or property". To this, He (PBUH) guided:

ان المفلس من امتی یأتی یوم القیامة بصلٰوة و صیام و زکوٰة و یأتی قد شتم هٰذا و قذف هٰذا و اکل مال هٰذا و سفک دم هٰذا و ضرب هٰذا فیعطی هٰذا من حسناته و هٰذا من حسناته فان فنیت حسناته قبل ان یقضٰی ما علیه اخذ من خطایاهم فطرحت علیه ثم طرح فی النار (مسلم: کتاب البر والصلہ، باب تحریم الظلم۔ ترمذی: ابواب صفۃ الجنۃ، باب ماجاء فی شان الحساب والقصاص)

"The real destitute and broke from my ummah is one who on the Day of Judgment will come equipped with prayers, fasting, charity, and enormous good deeds, but along with these, he abused someone, used someone else's wealth by wrong means, unlawfully shed someone's blood, beaten someone (this way he denied others' rights.) Allah will transfer some of his virtues to one and some to the other (as per the excesses the person suffered). If his virtues exhaust before the account is settled, Allah will then transfer to him some of the sins of the oppressed, and will throw the oppressor into Hell *(jahannum)*."

Oppressor to Recompense for His Excesses

Abu Hurairah narrates Mohammad (PBUH)'s guidance as: "If someone disgraced or dishonored his brother (any Muslim) or illegally took away his wealth or any other thing, (in other words committed any kind of excess), he should settle the matter in this world

itself and recompense for it. Otherwise, on the Day of Judgment, when neither currency nor riches would recompense the oppression committed in this world, Allah (ST) will transfer the oppressor's good deeds to the oppressed at par with the degree of excesses. If, the oppressor's virtues exhaust before recompensing his excesses, sins of the oppressed will be transferred to the oppressor." (Bukhari, Kitab al-Mazalim)

Quran and *Hadith* clearly articulate human obligation to repent for any act of disobedience of Allah. If the disobedience results in a loss to any fellow human, both the recompense for the loss and repentance (*tauba*) become obligatory. Repentance for any harmful act, illegal confiscation of wealth or property, or any other kind of excesses alone does not suffice; the loss must be recompensed too. Imam Nauwi (RhA) records the general opinion of Islamic scholars as:

> "Islamic scholars opine that repentance is obligatory for all sins. If the sin relates to Allah and the concerned human alone, and does not involve obliteration of any other human's right, the repentance must fulfill the following three conditions: one, the person should abstain from the sin that he /she committed; two, must be embarrassed about it; and three, must pledge not to repeat. If, even one of above conditions is not met, the repentance is not complete and approved. If the sin also involves obliterating the right of a fellow human, one more condition adds to the above three. This fourth condition is to repay the damage to the rights of the concerned person. If the loss is monetary, the sinner should return the due amount, if it concerns false allegation he should provide the sufferer an

opportunity avenge at par or seek forgiveness from her /him, and for back-biting he should get it waived off by forgiveness or any other justifiable recompense." (Riyaz al-Salihin, chapter: al-Tauba, pp 24-25)

Ibn-e-Taymiyyah elucidates, along similar lines as:

"The fact of the matter is that repentance by itself does not annul the right of the oppressed. In this context, there is no difference between murderers and other oppressors. Repentance is acceptable only along with appropriate recompense. If one does not provide it here, the same will be compulsory in the hereafter."

(Fatawa Ibn-e-Taimiyah, New Edition 18:187 Ghazali, Ihya Uloom al-Deen, 2:113-119)

No One should Support the Oppressor

Concerning excesses and oppression committed on an individual or a group, the society too has some obligations. If the society does not realize or fulfill these obligations, clashes continue between the seekers of their rights and those who deny them. One or the other may triumph, but the oppression does not end. Evil perishes only when the society as a whole endeavors against it, and whenever and wherever it rises, curbs it. This is the kind of environment that Islam creates against tyranny and oppression. In this context, its foremost guideline is that one must abstain from extending support to any kind of excess or oppression. Several *Ahadith* support this view. Two of them are cited here. Aus bin Sharjeel (RA) narrates that Prophet Mohammad (PBUH) said:

من مشیٰ مع ظالم لیقویّہ و ھو یعلم انہ ظالم فقد

خرج من الاسلام (مشکوۃ المصابیح: کتاب الآداب، باب الظلم بحوالہ بیہقی۔ قال المنذری رواہ الطبرانی فی الکبیر وھو حدیث غریب۔ الترغیب والترہیب: ۳/۱۳۸)

"One who despite knowing that a person is an oppressor walks along to strengthen and support him is out of Islam."

In another *hadith*, Abdullah bin Amru (RA) narrates that Prophet Mohammad (PBUH) said:

من اعان علی خصومة بظلم فقد باء بغضب من الله

(ابوداؤد: کتاب القضایا، باب فی الرجل یعین علی خصومۃ الخ)

"One who supports the oppressor in a clash returns with Allah's wrath."

Support the Oppressed

Not helping the oppressor is in itself an act of sympathy with the oppressed. Sometimes, supporting the oppressor may serve one's self-interest, and therefore, shunning it is also a big sacrifice. However, prevention of exploitation and oppression demands a greater strength of character. Overt support and help should be extended to the oppressed against the oppressor. This is the kind of character that Islam instills. It teaches and urges humans not to leave the oppressed alone, but to help and provide him/her relief from oppression and excesses. Civilized world gives considerable significance to prevention of high-handedness directed against weaker fellow humans. However, transgression of human values always leads to a state of animosity. Humanity, morality, and sense of virtue demand that if a wild-beast in human shape resorts to high-handedness; against the weak, the society should build a human shield and protect him. Islam leads

humans to this pinnacle of humanity. Bra'a bin Aazib (RA)'s narration: "Prophet Mohammad (PBUH) commanded us seven things, and one among them was to help the oppressed," holds prime significance.

(Bukhari, Kitab al-Ashriba, Muslim, Kitab al-Libas)

Imam Nauwi elucidates its legal viewpoint. as:

......امــــا نصــر المظلوم فمن فروض الكفايــة و هــو من جملة الأمــر بالمعــروف والنهى عــن المنكر و انما يتوجَهُ الامر اليـــه علٰى من قدر عليه ولم يخف ضررا

(شرح مسلم: مجلد ۷، جزء: ۱۴، ص ۲۸)

"...... as concerns helping the oppressed, it is one of the commandments which come under the category of 'Farz –e- Kifayah' (An obligation, which at least some people must fulfill). Its nature is similar to 'Amr bil Ma'aroof wa nahi anil munkar' (Enjoining the right and forbidding the evil). It addresses those who possess the required capability and can ensure their own safety while helping the oppressed."

Allama Ibn-e-Daqeeq Al-Eid argues along similar lines and records:

و نصــر المظلــوم من الفروض اللازمــة على من علــم بظلمـــه و قدر على نصره و هو من فروض الكفايات مما فيه من ازالة المنكر و رفع الضرر من المسلم

(إحكام الأحكام: ۴/۲۱۸)

"Helping the oppressed is among those obligations, which are binding to a person aware of someone being oppressed, who he can help. This is one of the directives, under the category of 'Farz–e-Kifayah', as through it evil can be abolished and possible excesses to a fellow Muslim prevented."

It follows that prevention of oppression is the responsibility of those capable of preventing it. It is a farz-e-kifayah on the society. If none discharges this duty, the entire society will be deemed offender, and will be accountable to Allah. This obligation annuls only on two conditions: One, when no one in the entire society is capable of preventing the oppression, and two, if the prevention of oppression could possibly lead to an unbearable damage, for which none had the courage.

Restrain the Oppressor

When an oppressor instigates large scale destruction, sheds human blood, seizes the rights of weak, and subjects them to his animal desires, the religious minded, in general, react in one of the two ways. One reaction is of silence when they adopt the mere role of passive observers, while the others are at the receiving end of the oppression. The second reaction happens when they are the recipients of the jolt of oppression, and is manifested in the form of sighs, grumbles, beseeches, and mourning. Islam neither endorses the deaf and dumb religious attitude nor considers sighs and grumbles sufficient. They might satisfy an individual who absolves himself because he has no direct involvement in the oppression. It may help relieve some emotions but it, in no way, can bring an end to oppression or ensure justice and equity in the society. In fact it is the powerful that commit oppression. Combating it is not easy. It requires courage, struggle, and sacrifice with extreme determination, endurance, and perseverance. Then only

the deserving get their rights, the oppressed get their grievances redressed, and most importantly we fulfill our moral obligation. In fact, the real eminence of the believers is that they challenge the oppressors with courage, and ensure that their oppression is eliminated. Absence of believers of such eminence would lead to moral death of this ummah and render it in effect lifeless. The following narration of Amru bin Al-Aas corroborates the above point; Prophet Mohammad (PBUH) told:

اذا رأیتم امتی تهاب الظالم ان تقول له انک انت الظالم
فقد تودع منهم (مسند احمد: ۲/ ۱۶۳، ۱۹۰)

"When you see that my Ummah is scared calling oppressor an oppressor, realize that it has been left to itself."

It is evident that such acts demand extreme courage, bravery, and strong faith. It is rightly acclaimed that telling the 'statement of truth' to a tyrant king is the best *'Jihad'* and sacrificing for it is the best *'Shahadah.'* However, it also holds that if bold and determined people do not rise against tyranny, it will flourish, and its adverse effects will surely appear. Allah extremely dislikes oppression. When it crosses a certain limit and no one rises against it, His wrath befalls on everyone irrespective of good or evil. *Ahadith*, therefore, strongly urge people to prevent oppression from flourishing before Allah (ST)'s wrath befalls and the entire society is wiped out. Abu Bakar Siddiq (RA) narrates that he listened Prophet Mohammad (PBUH) saying:

ان الناس اذا رأوا الظالم فلم یاخذوا علٰی یدیه اوشکَ

ان يعمّهم اللّٰه بعقاب منه (ترمذی: ابواب الفتن، باب ما جاء فی نزول العذاب اذالم یغیر المنکر۔ ابوداؤد: کتاب الملاحم، باب الامروالنہی)

"When people watch oppression and do not stop it, then it is not unexpected that Allah's wrath befalls on all of them."

Don't Let a Group Oppress Another

It emerges from the above discussion that Islam wishes the entire society to rise in support of the oppressed and make all efforts to end the oppression. It is also likely that groups instead of individuals resort to oppression against each other. This is not only a possibility; history is witness to such acts of oppression in large numbers. It is significant to note how Quran directs the Islamic society to deal with such a situation; it records:

وَ اِنْ طَآئِفَتٰنِ مِنَ الْمُؤْمِنِيْنَ اقْتَتَلُوْا فَاَصْلِحُوْا بَيْنَهُمَا ۚ فَاِنْ بَغَتْ اِحْدٰهُمَا عَلَى الْاُخْرٰى فَقَاتِلُوا الَّتِىْ تَبْغِىْ حَتّٰى تَفِىْٓءَ اِلٰٓى اَمْرِ اللّٰهِ ۚ فَاِنْ فَآءَتْ فَاَصْلِحُوْا بَيْنَهُمَا بِالْعَدْلِ وَ اَقْسِطُوْا ؕ اِنَّ اللّٰهَ يُحِبُّ الْمُقْسِطِيْنَ ۝ اِنَّمَا الْمُؤْمِنُوْنَ اِخْوَةٌ فَاَصْلِحُوْا بَيْنَ اَخَوَيْكُمْ ۚ وَاتَّقُوا اللّٰهَ لَعَلَّكُمْ تُرْحَمُوْنَ ۝

(الحجرات:۹-۱۰)

If two parties among the Believers fall to quarrel, make you peace between them: but if either of them transgresses beyond bounds against the other, then fight you (all) against the one who transgresses until it complies with the command of Allah; but if it complies then make peace between them with justice, and be fair: for Allah loves those who are fair (and

just). The believers are but a single Brotherhood: so make peace and reconciliation between your two (contending) brothers; and fear Allah that you may receive Mercy.

و ان طائفتان من المومنين اقتتلوا... (*And if two groups of Muslims resort to fighting*). This phrase implies that Islam does not expect a conflict between any two Muslim groups to take the form of clashes. It can only be a rare possibility. The words of the verse also indicate rarity in a Muslim group's refusal to accept mediation. (Al-Razi, Al-Tafseer al-Kabeer, Vol:14, Part:28 pp:109-110) The following principles can be deduced from the above verse:

1. If two Muslim groups clash, the direction is (فَاَصْلِحُوا بَيْنَهُمَا) to resolve their conflict. One may channelize it through advice, removing misconceptions, explaining the harms of hostility and disputes and the benefits of unity and affection, or using one's influence and power. It emerges that Islam appreciates any effort in this direction; these efforts deserve great reward in the Hereafter. The following *hadith* narrated by Abu Dardaa' corroborates the above view. "Prophet Mohammad (PBUH) asked us, 'Should I not tell you a deed which has more merit than (نفل or voluntary) fasting, charity, and even *salah*?' We requested him to kindly enlighten us: He (PBUH) said:

   اصلاح ذات البين فان فساد ذات البين هى الحالقة

   (ترمذی: ابواب صفة القيامة، باب... ابوداؤد: کتاب الآداب، باب فی اصلاح ذات البین)

   'It is to set right people's affairs and to remove their mutual difference and misunderstandings. As concerns destruction and spoiling people

relations, it is an act that trims off peoples' virtues and goods.'"

2. This peace/truce should be in accordance with the directives set by Quran, Allah (ST)'s Book, irrespective of which party benefits and who bears the loss. Allama Baghwi elaborates on this view as:

فاصلحوا بينهما بالدعاء الى حكم كتاب الله والرضا بما فيه لهما و عليهما (تفسیرالبغوی وتفسیرالخازن۵/۵۲۲-۵۲۳)

"Resolve their conflict by inviting them to come to agreement with Quran –Allah (ST)'s Book and to accept the decision in good spirit irrespective of whether the decision is in favor or against them."

3. The resolution of conflict alone does not suffice. In addition, a decision based on justice and equity and in accordance with Allah's commands must be ensured, to enable the oppressed get his due rights. Furthermore, it is essential to remove the cause of conflict, because if they exist, the conflict may upsurge again. Allama Abu – As-Saud elucidates this viewpoint and records:

فاصلحوا بينهما بالعدل بفصل ما بينهما على حكم الله تعالٰى ولا تكتفوا بمجرد متاركتهما عسىٰ ان يكون بينهما قتال في وقت اٰخر (تفسیرابی السعود:علی ہامش الرازی ۷/۵۷۳،روح المعانی ۲۶/۱۵۰)

"Resolve their conflict with justice and equity in accordance with Allah's ordinances. Do not limit yourself to leaving them (after the resolution), as it is possible that they may resort to quarrel at some other time."

4. In the situation of conflicts, the general tendency is to move away from justice and equity in order to gain peace. Therefore, Islam strongly emphasizes

justice and equity to ensure that people do not deviate from it. Allama Abu – As-Saud expounds :

و تقييد الاصلاح بالعدل لانه مظنة الحيف لوقوعه بعد المقاتلة و قد اكدَّ ذٰلک حيث قال و اقسطوا ای واعدلوا فی کل ما تأتون وما تذرون (ابوالسعود:تفسیر ۷/۷۵۳۔ روح المعانی ۲۶/۱۵۰)

"(On second mention) Equity binds with reform, as there is a certain risk of injustice involved in resolving post clash conflicts or misconceptions. As reinforcement, it further states واقسطوا i.e. Adhere to a just conduct in whatever you adopt or refrain from."

5. If one party insists on oppression and excesses and is not willing to submit to justice and truth, it is essential to support the oppressed against the oppressor, in order to get back his due. Allama Abu-As-Saud holds:

يجب معاونة من بغی عليه بعد تقديم النصح والسعی فی المصالحة (تفسیرابی السعود:۷/۷۵۴)

"After the well wishing and resolution endeavors, supporting the person facing excesses is essential."

6. The precondition for use of power against the oppressor is the failure of peaceful efforts. Use of power is illegal and incorrect without satisfying the above precondition. Allama Abu Bakar Jasas Hanafi expounds:

امر اللّٰه تعالٰی بالدعاء الٰی الحق قبل القتال ثم ان ابت الرجوع قوتلت (احکام القرآن للجصاص:۳/۳۹۳)

"Allah commands to invite people to truth before fighting them. If they do not submit to truth, only then one can fight them."

Allama Ibn–e–Arabi's reasoning further reinforces the above view:

ان اللّٰه سبحانه امر بالصلح قبل القتال و عين القتال عند البغی (احکام القرآن لابن العربی:۴/۱۷۱۹)

"Allah ordains peace prior to fighting, which he specified in the condition of rebel and revolt."

7. Concerning the use of power against oppressor groups, significant is the question of who and to what extent should use it. Allama Abu Bakar Jasas Hanafi elaborates in detail on this question. Below, we present a brief summary of the same.

If the rebel group is not willing to accept a judgment in accordance with the Allah (ST)'s commands, the command is to fight it. Apparently, it includes all aspects of fighting or war. If it requires small scale use of power like beating with sticks or other objects, its use beyond it is incorrect. However, if small scale use of power deems insufficient to suppress the revolt or rebellion, it may warrant resorting to arms. The opinion that even this situation does not warrant use of arms is false. Prophet Mohammad (PBUH) says, "whoever among you witnesses an evil, must change it by force, if he lacks power, must change it verbally (voice or write to change it), if he is incapable even to do so, must dislike it in his heart. The last option is the lowest level of *Iman*." In this narration, Prophet Mohammad (PBUH) has asked to end the evil through power. Evidently, it demands an end to evil in whatever way it is possible. (Jassas, Ahkam al-Qur'an, 3:491)

Concerning the use of power, one must differentiate between the society and state. Prevention of oppression and excesses by force is state's responsibility. If the state does not realize it, the society must ensure state's realization, and provide support in combating oppression. Some of the possibilities include giving fearless evidence in favor of the oppressed, extension of moral and material support; refraining from assisting the oppressor in any way; social boycott; and efforts to ensure suitable admonition, penalization, and punishment. Society can take several other similar measures, and must do so. Under exceptional circumstance, it may even resort to use of force to safeguard the life and property of the oppressed. However, in doing so it cannot go beyond defined legal limits. Taking law in one's hand is not permitted.

Consider a rebel group rising against an Islamic state. It warranties society's realization of its duty to help the state in all possible ways to curb rebellion.

More trying is the possibility of state's indulgence in oppression and excesses. The state sponsored oppression warrants people's best endeavors to end it. However, this matter is a delicate one. It calls for extreme caution and ensuring that the actions initiated to curb the oppression may not lead to greater order or open the doors for other excesses. *Tafseer-e-Kabeer* clarifies this point and records as:

فقاتلوا التی تبغی ای الظالم یجب علیکم دفعه عنه ثم ان

الظالم ان کان هو الرعیة فالواجب علی الامیر دفعهم و ان

كان هو الامير فالواجب على المسلمين منعه بالنصيحة فما فوقها و شرطه ان لا يثير فتنة مثل التى فى اقتتال الطائفتين او اشد منها (تفسیر کبیر: جلد ۱۴ جز ۲۸، ص ۱۰۹)

"Fight against the transgressor group, i.e. the oppressor. It is obligatory (واجب) for you to take away the oppressor from the oppressed. If the oppressor is from the people of the state, it is obligatory on the sovereign to move away the oppressors, but if the sovereign himself resorts to oppressive acts, it is obligatory for Muslims to prevent him from oppression through counseling or any other strategy as appropriate. However, the precondition for any such measure is that it should not lead to similar or bigger disorder as occurs in the event of a clash between two groups." *

Notice the remarkable approach that Islam adopts by advising both the state and the society to put an end to oppression. On one hand, it advises the state to put an end to oppression through strategic use of resources and power, on the other, it commands the society to assist the government in abolishing oppression. At the same time, the society should be vigilant that the government itself does not resort to injustice.

Help Both the Oppressor and Oppressed

Islam envisions a society free of excesses and oppression. It realizes that all acts of oppression are heinous crimes, and therefore, creates a strong negative atmosphere against the oppression. Yet, it also clearly

* Tafseer Kabir, vol. 14, ch. 28, p.109 Revolt and transgression by a group may take many forms; the circumstances may also very. Accordingly the injunctions about dealing with revolt would very. See the books on Islamic law for details.

demarcates between people as humans and the acts of oppression they may commit. It, therefore, directs for penalizing the person for his/her acts of oppression as a human being, but does not incite feelings of hatred and enmity against the oppressor. It is important to realize that how the oppressor unknowingly engages in self-destruction rooted in his wrong deeds. Unconsciously, he destroys his life in this world and the Hereafter. Islam does not approve of the destruction of the soul of either the oppressor or the oppressed. It empathizes and wants to save both from destruction. But the nature of sympathy in each case is different. *Ahadith* support this point of view and record that both the oppressor and the oppressed deserve assistance. The assistance of the oppressed calls for safeguarding him from the excesses of the oppressor, and that of the oppressor calls for straining him from oppression and excesses. The following narration by Anas (RA) is illustrative in which Prophet Mohammad (PBUH) said:

> انصر اخاک ظالما او مظلوما قالوا یا رسول اللّٰہ ھٰذا
> ننصره مظلوما فکیف ننصره ظالما قال تأخذ فوق یدیه
> (بخاری، کتاب المظالم والقصاص، باب اعن اخاک ظالماً او مظلوما)
>
> "Help your brother, be he the oppressor or oppressed. The companions (RA) inquired 'if he is the oppressed we will certainly help, but in what manner should we help the oppressor?' Prophet Mohammad (PBUH) replied: you catch hold of his hands (thereby not letting him commit oppression)."

Among the yesteryears' uncultured Arabs, similar to the today's uncivilized disorder; family, tribe, and

kith and kin had an extremely powerful influence in all personal and social matters, without any due consideration for right or wrong. Wars were fought for avenging disgrace on family or tribe. They often continued for years together and sometimes generations and resulted in a blood shedding that turned the entire desert into a blood pool. Islam brought an end to this uncultured era. It clearly declared that one may definitely empathize with one's community; But he should prevent the community from oppression and trasgression rather than leading the community towards self-destruction. The following incident of the early Muslims and Prophet Mohammad (PBUH)'s response to it is enlightening. Jabir (RA) narrates that two young people, a *'Muhajir'* and an *'Ansari'* had a clash. The *Ansari* called the *Ansar* for help while the Muhajir called the *'Muhajireen'* for help. Prophet Mohammad (PBUH) knowing this came outside. When informed that it's just a clash between two youths and nothing more of any significance, he (PBUH) expressed satisfaction. Another narration records that on hearing of the two youths calling their respective groups, he admonished them.

دعوها فانها مُنتِنَةٌ

"Stop it. This is a very awful call."

After this He (PBUH) said:

و لينصر الرجل اخاه ظالما او مظلوما ان كان ظالما
فلينهه فانه له نصر و ان كان مظلوما فلينصره ۔

(مسلم، کتاب البر والصلۃ، باب نصر الاخ ظالما او مظلوما)

"People should help their brother irrespective of whether he is the oppressor or oppressed. If he

> is an oppressor, prevent him from oppression. This is his help. If he is the oppressed, support him (against oppression)."

The outstanding moral virtues that Islam inculcates in Muslims are unmatched in their scope. It urges them to empathize with the oppressor at par with the same pain they go through for an oppressed individual. The believer should feel an equal degree of concern, sympathy and an urge to help the oppressor from spiritual destruction. It sensitizes them to the fact that while for the oppressed it is the destruction of this world alone; for the oppressor the loss is both in this world and in the Hereafter. This indeed is a greater loss. This perspective brings home the realization that the oppressor deserves our greater sympathy even greater than that extended to the oppressed.

Rights of the Victim

What is the bare minimum right the oppressed individual or community can expect from the state or society? It is the permission to raise one's voice against injustice and demand recompense for the loss suffered. It is the bare minimum. If the state or society cannot even ensure this, the powerful will regularly resort to high-handedness against the weak without any fear of repercussion. Ironically, this is what history witnesses time and again. In contrast, Islam ensures all those rights to the aggrieved and the weak that enable them to fight the oppression, unmask the oppressor, and work out a solution to end the oppression. Here, we discuss some of these rights.

The Aggrieved Can Raise his Voice Against Oppression

Nature provides all humans the right to raise their voice against the oppression and excesses that they suffer. Ironically, however, this is the very right, which the weaker sections of the society in general have been denied. They have been curbed and trampled to an extent that subdues their courage to even raise their voice; rise against even the extreme levels of oppressions and excesses. Their gloomy past reveals that they did not enjoy their rights, instead the oppressors and tyrants virtually owned them; who neither had any affection, love, or sympathy for them nor cared for them. They vehemently crushed and curbed their rights and did not

even permit them to complain. Islam provided a ray of hope for the oppressed and weak by providing them their dues rights, one of them being the right to raise their voice against oppression. Quran declares the same in the following verse:

لاَ يُحِبُّ اللّٰهُ الْجَهْرَ بِالسُّوْٓءِ مِنَ الْقَوْلِ اِلاَّ مَنْ ظُلِمَ ط وَ كَانَ اللّٰهُ سَمِيْعًا عَلِيْمًاo (النسآء:۱۴۸)

> Allah loves not that evil should be noised abroad in public speech, except where injustice has been done; for Allah is He Who hears and knows all things. (Quran—4:148)

Islam does not like public discussion about any wrong or immodest deed as it assists the promotion of evil by spreading over the filth and dirt, amassed at one place. However, in the face of oppression, people have the right to protest publicly. It has a many-fold impact: one, it helps in unmasking the oppressor to the society as a whole; two, it helps in saving others from his oppression; three, it generates mass sympathy for the oppressed; and four it facilitates recompense for the excesses and injustice suffered.

Oppression, excesses, and misconduct may take various forms. One of the prime questions concerning publicity of oppression relates to its extent and forms. Mujahid, one of the prominent *Taba'yees* (successors of Prophet Mohammad (PBUH)'s companions) provides an example, which answers this question. He says, if a Muslim is a guest of another Muslim and the host is not aptly hospitable, the guest has the right to protest against the host for this shortcoming. This stems from the right of guests to due hospitality; being

one of the rights of Muslims on each other. It intends to save Muslims from insecurity and non-availability of the basic amenities of life in a foreign land. A Muslim deserves the right to be the guest of another Muslim brother. Several similar narrations clearly support the right to hospitality. On the basis of these narrations, Ahmad (RHA) and his supporters make hospitality obligatory. Thus, the guest has the right to raise his voice against indifferent hospitality.

(Tafseer Ibn-e-Kathir 1:571)

Elucidating the meaning of the verse cited above from Al-Nisa, Abdullah bin Abbas (RA) says that if someone is oppressed, he may curse the oppressor. These examples help us comprehend the above verse. It is clear that the verse permits the oppressed to express his protest only about the oppressions incurred. Along similar lines of reasoning, Suddi (RHA) records:

ان اللّٰه لا يحب الجهر بالسوٓء من احد من الخلق و لٰكن
يقول من ظلم فانتصر بنيل ما ظلم فليس عليه جناح۔

"Certainly, Allah dislikes that any person publicizes evil, but Allah says that if someone is subjected to oppression or excesses and he avenges it, there is no sin on him."

Allama Jareer Ibn Tibree, on the basis of these narrations, further elucidates this verse as:

"Allah dislikes public proclamation of any evil however, if someone is subjected to oppression, there is no harm to his expressing the same. It also includes whether or not the right of guest was honored in the right manner, or was it at all honored. It also takes into account the excesses on the life or wealth of the oppressed. The other

aspect of the meaning of this verse includes that the oppressor prays to Allah (ST) for help against oppression. If there is publicity along with the prayer, it too is a form of expression against oppression." (Tafseer Ibn-e-Jareer, 6:2-4)

Khazin, a renowned commentator of Quran, elaborating on this verse, records: "The Islamic scholars opine that public expression of people's confidential matters is not legal as it leads to backbiting (Ghibat) and the person himself gets involved in doubts and skepticism. However, the oppressed can publicly express the oppression in a manner like *'that person stole or robbed his wealth'*. If someone accuses an innocent person, the aggrieved has a right to retort." (Tafseer al-Khazin 2:184-185)*

Denial of the right to raise one's voice against oppression will intensify the grief of the already oppressed person. Suppressing the voice of the aggrieved will help the oppressor to prowl free and to prosper, and there will be no stopping him. Besides providing the oppressed the right to voice against oppression, Islam urges the society to help and support him. Islam envisions complete uprooting of oppression.

A person Can Demand His Due Rights

Ahadith (Prophet (PBHU)'s saying) clearly enunciate that people can demand their due rights, and no one can deny them this opportunity. Taking undue advantage of a person's weakness and preventing him from demanding his due right, is an outright un-Islamic

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* Imam Razi has attributed this interpretation to Asam. See Tafsir Kabir vol.6, ch. 11, page 72

approach. Even a strict and rude approach in demanding one' due right is to be tolerated. The following narration by Abu Huraira (RA) supports this viewpoint. He recounts: "Prophet Mohammad (PBUH) borrowed a camel from a person (probably an unbeliever). When he demanded his camel back in a harsh tone, his (PBUH) companions wanted to reprimand. He (PBUH) said:

دعوه فان لصاحب الحق مقالا

> Leave him because the rightful one has the liberty in speech."

He, then advised the companions to buy a camel and return it to him. The companions (RA) said that the kind of camel borrowed is not available, however better ones are. He (PBUH) told them to return him that (the better) one. "The better among you is one who pays back the debt in a better manner." (Bukhari, Kitab al-Istiqraz, Muslim, Kitab al-Musaqaat) Hafiz Ibn Hajr commenting on this hadith says:

ای صولة الطلب و قوة الحجـــة لٰكن مـــع مراعـــاة الادب المشروع (فتح الباری:٥/٣٦)

> "He can demand forcefully and can speak using the power of reasoning, however with the consideration of the values ordained by Islamic law."

We infer from above the inalienable right of an individual to demand his dues with full force and vigour, within the limits of Islamic law. Allama Ibn Malik elaborating on the *hadith* says, "on denial of his due right, the righteous is not only permitted to complain and reprimand, but also to use other legal actions. He records:

المراد بالحق هنا الدين يعنی من كان علٰی غریمه حق
فماطله فلـه ان يشكوه و يرافعه الى الحاكم و يعاتب
عليه و هو المراد بالمقال (مبارق الازہار شرح مشارق الانوار:۱/۱۴۷)

"Here the right refers to debt. That is, whoever has a right on his debtor and he resorts to dillydallying, the creditor can complain about the debtor, take him to the authorities, and can even scold and reprimand him. The word maqal'used in the hadith connotes the same."

Dilly-Dallying in Debt payment is Oppression

Both negligence in paying back the due right and demanding more than what is rightly due constitute oppression. Uncontrolled; it may perpetuate broadening its sphere of evil influence. Islam declares this attitude to be wrong and illegal, and strictly seeks to curb it. The same corroborates with Abu Huraira (RA)'s narration that Prophet Mohammad (PBUH) said:

مـطل الغـنی ظلم فــاذا اتبـع احدكم على مَلِيٍّ فليتبع
(بخاری: کتاب الاجارہ، باب الحوالہ الخ۔ مسلم: کتاب المساقاۃ والمزارعۃ، باب تحریم مطل الغنی)

"The dilly dallying by the well-off is oppression (Not expected from a Muslim). When someone is sent to pursue the well-off (his reference is given in the context of debt) he should pursue him (reference should be considered)."

Hadith uses the word *'Matal'*, which refers to delay and dilly dallying in paying back the due right. Imam Nauwi, Qazi Ayaz, et al describe it as:

المطل منع قضاء ما استحق اداؤه (شرح مسلم: جلد۵، جزء:۱۰، ص۱۹۲)

"Denial from pay back of the compulsory due right"

Hafiz Ibn Hajr's comments on this *Hadith* as:

تأخیر ما استحق اداؤہ بغیر عذر (فتح الباری:۴/۳۱۲)

"Delaying of the compulsory due right without a justifiable reason"

The *hadith* clearly declares unlawful the delay in paying back the due right by a financially sound person, as there can be no ground for the delay. Not only an outright denial to pay back the due right but also its unjustified delay amount to oppression. Imam Nauwi elucidating this *hadith* corroborates the above view as: "denial by a financially sound and well off person to pay back the due right to the deserving is oppression and unlawful." (Sharh Muslim : 192)

Returning Debt: Falterer – A Transgressor (Fasiq)

Islamic scholars in general hold that one who dilly dallies debt payback without a justifiable reason is a transgressor *(Fasiq)*. Imam Nauwi records:

"Imam Malik's pupils and other Islamic scholars differ in their opinion concerning whether a person who dilly dallies only once, in paying back the debt, be considered a transgressor (fasiq) and his testimony not accepted in matters of jurisprudence, or will he be considered transgressor when he repeatedly commits the offence. The Shafiites (the followers of Shafa'ee school of thought) hold satisfying the second condition as pre-requisite to declaring a person fasiq." (Sharh Muslim : 192)

However according to Allama Subki the *Shafiite* stand implies that such a defanlter should be considered as *fasiq* and his witness should not be acceptable. He

argues that denial to pay back the right, even on demand, without any justifiable reason, amounts to confiscation, which is *gunaah-e-kabeerah* (big sin). Furthermore, *ahadith* term it as oppression. This, in itself, is reason enough for the act being a *gunaah-e-kabeerah* (big sin). *Gunaah-e-kabeerah* (big sin) need not be repeated to declare a person *fasiq*. In the above context, the necessary condition for declaring a person *fasiq*, however, is to establish beyond doubt that faltering in pay back of debt or other due right, is not justified.

(Ibn-e-Hajar, Fath al- Bari, 4:313)

Another significant question on declaring a person as *fasiq* is "whether there has been a demand from the creditor." Hafiz Ibn-e-Hajr elaborates in its response as: "Although Islamic scholars present differing viewpoints in this context, use of the word 'Matal' in the *hadith* is reason enough to conclude that denial to pay back the due right does not warrant *fisq*, but, denying the same on demand after it is due, does."

(Fath al-Bari, 4:313)

Denial of Due Right Warrants Punishment

Intentional denial to pay a due right or faltering in meeting rightful obligations is outright oppression. This calls for a possible legal action. Accordingly, Hafiz Ibn hajar (RA), in the context of the above *hadith*, records:

واستدل به على ملازمة الماطل والزامه بدفع الدين
والتوصل اليه بكل طريق واخذه منه قهرا(فتح الباری:۴/ ۳۱۳)

"Detaining the falterer, declaring return of debt compulsory, applying all possible means to this

end and ensuring return (even forcibly) of debt has been deduced from it."

Amru bin Shareed (RA) refers to his father's narration, which puts the above viepoint in absolute terms. Prophet Mohammad (PBUH) records:

لیُّ الواجد یُحِلُ عرضَه و عقوبته (ابوداؤد: کتاب القضاء، باب فی الدین ھل تحبس لہ۔ نسائی: کتاب البیوع باب مطل الغنی)

"One who despite having means denies paying back the due right makes it clear that he no longer deserves honor and that he should be punished."

This implies legal sanctity to publicize the excesses and oppressions committed by a person who despite capability does not pay back the due right. If this results in any damage to his dignity or false sense of honor in the society, he bears its onus and none else is responsible. Along with it, the society also reserves the right to take appropriate legal action and punish him. Abdullah Bin Mubarak's (RhA) elaboration of this *hadith* further reinforces this line of reasoning; he records:

یحل عرضَهُ یغلظُ لـه وعقوبته یُحْبَسُ له

(ابو داؤد: کتاب القضاء، باب فی الدین ھل یحبس له)

"He puts his respect on stake. It means that he should be scolded and reprimanded, and his punishment means he should be put behind bars."

Allama Shaukafi opines, this *hadith* grants legal sanction to imprisonment and harsh treatment as a reprimand and for a person who despite capability, denies paying back the debt; till he pays off. (Nail al-Auter, 5:361)

Ordinance Concerning Indigent

It is clear from the above *Ahadith* that delay in repay of the due right by an indigent person does not constitute oppression. Imam Nauwi elaborates on Abu Hurairah (RA)'s narration mentioned earlier as:

> "This in itself concludes the incorrectness of declaring failure to pay back the due right by a poor or indigent person as unlawful or oppression. Along similar lines, delay in pay off by a financially well-off or wealthy person on grounds of unavailability of sufficient resources on time or other justifiable reasons is permissible."
>
> (Sharh Muslim 10:192)

The above viewpoint stems from the *hadith* by 'reverse deduction.' Some people do not agree that reverse deduction is applicable here. For example, Hafiz ibn Hijr (RhA) elaborates as *"their answer is that one who is unable to pay off the debt cannot be called a dilly dallier. If a well off person is unable to repay the due right because of in time unavailability of resources, he too is not committing any oppression. The supportive argument is such a person's entitlement to a portion of the share of fukhara (people deserving) in charity. However, under the category of rich he is not entitled to Zakah (charity)."*

(Fath al-Bari, 4:313)

This implies 'converse deduction' is not required to arrive at the above conclusion. The warning, that the *hadith* refers to, is for the *ghani* (the rich); *non-ghani* is exempt. Probably, on this account, Imam Nauwi defines: *"Ghani is the one capable of discharging the due right on time. The one who is not in this condition is not ghani."* (Sharh Muslim, 10:192)

Another point inferred from these *Ahadith* is the exemption of poor and indigent from imprisonment due to non-payment of debt. Accordingly, Imam Nauwi elaborates:

"Some people think that these *Ahadith* support the opinion of the general Islamic jurists including Imam Malik and Imam Shafayee, who hold that arresting, imprisoning, or forcing a non-Ghani for payment of debt is unlawful until he is in a position to do so."

(Sharh Muslim 10:192)

Elaborating on this line of reasoning, Hafiz Ibn Hajr records: "Imam Shafayee argues demanding from a poor or indigent to repay the debt suggests, he is an oppressor. On the contrary, the *hadith* yields that he is not, on the ground of his disadvantage. However, some Islamic scholars argue that he can be imprisoned and some hold that the creditor can also detain him."

(Fath al-Bari, 4:313)

Hanafiite scholars hold that monetary rights fall into two categories. One includes such rights, which when established in court demand the detention of the respondent on appeal by the claimant or plaintiff. Examples include non-payment of the price of bought article, non-payment of the bride's mahar–e–mu'ajjal (prompt dower), or refusal to pay back the relevant bail money. Whereas, the other category includes rights, which on appeal of the respondent concerning his financial disadvantage as the reason for not discharging his due right, the state shall imprison him/her only on the condition that the claimant establishes beyond doubt that the respondent is in a position to pay back the due right. The difference in the two conditions is

that in the first, the person's capability to repay is self-evident as he possesses the object not paid for. As regards *mahar* (dower) and *kifalat* (support and maintenance), which are self-imposed conditions imply the person's potential to pay. The same applies to debt and wages. (Hidaya, 3:136-137, Rad al-Muhtar, 3:438-439)

Meeting Obligations Promptly

In the earlier sections, we concluded that faltering in debt repayment is a form of oppression. The same applies to all the other rights, which a person owes to the other. Delay or faltering in their discharge is also oppression. Hafiz Ibn Hajr deducing from the above *hadith*, records:

و یدخل فی المطل کل من لزمه حق کالزوج لزوجته
والسید لعبده والحاکم لرعیته و بالعکس (فتح الباری:۴/ ۳۳)

"Matal (from which people are refrained) applies to all who owe a right, like husband's right towards wife, employer's right towards employee, and sovereign's right towards public. Along similar lines, converse also applies."

Creditor Should Accept References

While commanding the financially well-off person not to falter in debt pay back, Islam also instructs the creditor to accept the reference of a dependable wealthy person concerning debt as the following *hadith* confirms:

و اذا اتبع احدکم علی ملی فلیتبع

"In the context of debt, if someone amongst you receives a reference of a rich person, he should

consult him."

"Imam Nauwi elaborating on this *hadith*, records:

> "If the borrower provides reference of a person from whom the lender can collect the amount, jamhur (mass opinion of Islamic scholars) consider it desirable and approvable. Some amongst them consider it only permissible. Daud Zahiri, et al consider it Wajib (Obligatory)."
>
> (Sharh Muslim, 10:193)

Hafiz Ibn Hajar's elaboration of the above *hadith* reinforces the Imam Nauwi's viewpoint. He records:

"*Jamhur* consider it desirable. Opinions on its permissibility alone are rare. Among Hambalites (The followers of the *Hambali* school of thought), majority including AbuSur, Ibn-e-Jareer and Ahl-e-Zahir consider it obligatory." (Fath al-Bari, 4:313)

Hanafiites argue that reference will be correct only if the debtor, lender, and referee all agree to the reference. (Hidaya, 3:129)

However, Imam Malik and Imam Shafayee consider lender's approval compulsory, but, not that of referee unless the debtor has proven personal enmity with the referee. Another narration too in support of this view negates necessity of referee's approval. *Hambalites* maintain, if the referee's financial condition allows him to pay off the debtor's credit and he is not a dilly dallier in this regard, it is obligatory for the lender to accept it. (Al-Mughni, 4:83)

In the instance of the lender accepting the compensatory reference without the condition of referee's financial well being, several Islamic scholars including Imam Lais, Imam Shafayee, Abu Ubaidah, and

Ibn-al-Manzar opine against the lender approaching the debtor for the debt, even though the referee dilly dallies, becomes bankrupt, or dies, or is not able to pay back the debt because of some other reason.

The narration cited by Imam Ahmad in this context reveals that if the referee is not financially well off and the lender was unaware of it at the time of accepting the reference, he has the right to approach the debtor. However, if he is willing to accept the reference despite the poor financial condition of the referee, he is allowed to do so. The same is opined by a *Hambalite* sect. Another similar narration from Imam Malik supports this line of reasoning. They opine that referee's poor financial condition is his limitation, and therefore the debtor can cancel his reference. Qazi Shareeh and Imam Naqa'ee, however, opine differently and declare the lender approaching the debtor correct only if the referee is poor or he dies before pay off. Imam Abu Hanifa approves the lender's right to approach the debtor on two conditions. One, if the referee dies in a state of poverty and two, that he takes oath before the ruler against accepting the reference and neither the debtor nor the referee have any evidence of the same. Imam Abu Yusuf and Imam Mohammad include a third possibility of the referel being financially poor and so recognized by authorities.

(Al-Mughni, 4:581, Hidaya, 3:129-130)

Islamic scholars have discussed in great detail regarding the *hawala* (the reference). Here, we have confined ourselves to a preliminary discussion. The actual intention of the *hadith* is to enable the debtor to propose a genuine method of repaying the debt and

urging the lender to accept it. The reference to a financially well off person in this context is one of such conditions. One should not unreasonably insist on a repay mode that puts the debtor in dilemma. In reality, with debtor's intention to pay off and lender to refraining from unnecessary harassing the debtor, several complex issues are resolved on their own. The debt, thus, will no longer disrupt good human relationships.

Right to Avenge and Virtues of Forgiveness

Human Nature and the Desire of Revenge

Sentiments of anger, anguish, and revenge are natural in the face of oppression, excesses, and high-handedness. A person seeks to counter the excesses incurred on him by causing detriment to the person who harmed him.

Some people consider these sentiments inhuman regarding them as which if not suppressed, cause destruction by turning humans into beasts. Yet, is it reasonable to ignore these sentiments simply on this ground? They actually are an integral part of the human temperament. In the instance of external pressures or compulsions restraining humans from avenging, extreme reactions are often witnessed. More severe feelings like enmity and hatred originate coupled with inferiority complex and several other psychological complications. When accrued on a large scale, these suppressed emotions look for an opportunity to quench the flame of vengeance, and it is then that a person resorts to acts that put humanity to shame.

There is no doubt that animals too have the tendency to take revenge. However, this is true with other human traits as well, which in no way makes these traits inhuman or worthy of contempt. Consider hunger, thirst, and sexual desires, some basic instincts, which

both humans and animals possess alike. Humans and animals both strive to address them for their individual and collective survival. Addressing a basic human need cannot be termed wrong simply because the animals also need to address the same. Nonetheless, in this context, humans differ from animals in their approach. While animals only satiate their natural demands without any ethical bounds, humans are supposed to fulfill these needs with adherence to the laws and norms of the society; derived from universal ethical notions.

Sentiments of anger and revenge are essential to human well being and security, and for their survival and progress. The appropriate use of these sentiments saves the society from oppression and excesses and facilitates the safeguarding of human rights. Its absence, on the contrary, many a times leads humans to insensitivity and desoluteness, and compels them to accept defeat and surrender against oppression. Complete annihilation of these sentiments would render humans susceptible to oppression and, thus, make them an easy target for the tyrants who leave no stone unturned to exploit them.

The psychological contentment that humans derive from avenging the oppression and excesses incurred on them is their natural right. One cannot undermine the significance and necessity of law, which too, at large serves this purpose by punishing the oppressor for his offenses. Besides complying with the societal norms and necessities, the punishment itself becomes a means of satiating the human urge to avenge oppression. Evidently one cannot negate the significance of the rule

of law in this context. Human beings should therefore seek revenge only within the limits of law.

Desire of Revenge – The Islamic Perspective

Islam regards revenge as a natural tendency and permits the oppressed to avenge their suffering. Expressing it as one of the qualities of pious people, Quran records:

وَالَّذِيْنَ اِذَآ اَصَابَهُمُ الْبَغْيُ هُمْ يَنْتَصِرُوْنَ ٥ (الشوریٰ:٣٩)

And those who, when an oppressive wrong is inflicted on them, help and defend themselves.
(Quran—42:39)

One question of prime significance is whether revenge is a quality worthy of being mentioned as a quality of the Allah-fearing people. Allama Ibn–e–Jareer Tibri elaborates in reply to this question as: "The act of keeping the oppressor on the right path and penalizing him to what he deserves for his oppression , is actually a means of his reform. It is thus praiseworthy." (Tafseer Ibn-e-Jareer, 25:24)

Hafiz Ibn Kaseer expounds on this verse and describes the qualities of the Allah-fearing people as: *"Whoever oppresses, the Allah-fearing people have the potential to avenge him. They are not helpless or incapable of avenging; in fact they are capable and possess the right potential to avenge."*
(Tafseer Ibn-e-Kathir, 4:118)

Allama Abu As-Saud further reinforces the concept of revenge being a quality of Allah-fearing people as: "Allah has instilled in them feelings of self-respect and hatred against submitting to or accepting contempt.

Therefore, if someone subjects them to oppression anc excesses, they avenge it. This, in fact, represents theii bravery and courage among other qualities."

(Tafseer Abu Saud, 7:669)

Ibrahim Naqa'ee, analyzing the discussion of early Islamic scholars, concludes: "*Salaf* (the scholars oi early Islamic era) dislike the idea that people of faith should live in a state of contempt and cowardice giving way to augmenting courage of rebells and transgressors to an extent that they resort to oppression. However, when in power, the people of faith forgive."

(Bukhari, Kitab al-Mazalim, Jassas, Ahkam al-Qur'an 3:475)

Excesses in Revenge are to be avoided

Emotions of revenge against oppression and excesses often intensify considerably and a person tends to ignore all legal and moral bounds in satiating his desire to avenge. This tendency has devastating effects. Unrestrained, oppressed becomes oppressor, while oppression continues; surging a new cycle of anger, hatred, and revenge. The oppressed, now in an oppressor's role, resorts to all what he earlier reproached, and against which he began the entire struggle.

Islam clearly negates this approach. While it approves the right of the oppressed to avenge the oppression, it absolutely limits the extent of the revenge to be at par with the excesses suffered, and in no way allows the oppressed to exceed this limit.

Oppression and excesses may take several forms, but broadly they fall in one of the two categories. One

relates to the physical, life, or moral loss, whereas, the other relates to the immodest use of language, like abuse and insult. Quran and *Ahadith* guide us both at the specific and generic levels to refrain from committing excesses while avenging for the loss incurred. However, these discussions at some places deal with physical and monetary excesses, and at others with the immodest use of language. We shall now discuss both in some more detail.

Avoid Excess in Physical and Monetary Revenge:

While permitting revenge, Quran advices:

فَمَنِ اعْتَدٰى عَلَيْكُمْ فَاعْتَدُوْا عَلَيْهِ بِمِثْلِ مَا اعْتَدٰى عَلَيْكُمْ ص
وَاتَّقُوا اللّٰهَ وَاعْلَمُوْٓا اَنَّ اللّٰهَ مَعَ الْمُتَّقِيْنَ ○ (البقرة:١٩٤)

> If then anyone transgresses the prohibition against you, transgress you likewise against him. But fear Allah and know that Allah is with those who restrain themselves. (Quran—2: 194)

This verse relates to *Jihad* and directs that the sanctity of sacred months is not binding on the believers if the polytheists initiate war. Allama Abu Bakar Jassas Hanafi (RHA) discussing the context of this verse elaborates: "This verse has a generic approach. Therefore, it also includes the obligation for a replacement by a person who damages someone's material object. There are two possibilities for replacement. One relates to replacement by measurable objects from the same class. The second mode of replacement is through monetary value. The following Prophet Mohammad (PBUH)'s saying supports it: 'If there are two owners of a slave, and one among them

frees his share, while the other does not. If the one who frees his share is financially well-off can take the bail (financial guarantee) for the other share (and thus free the slave).' In this context, He (PBUH) has determined monetary replacement for the one who frees the share of the other. Replacement is also required for the hurt caused due to someone's actions. For example, if someone puts a *tohmat* (false allegation) on another person, it is not possible to provide a replacement through similar *tohmat*. Its replacement is eighty lashes—the punishment is the replacement for *tohmat*."

(Jassas, Ahkam al-Qur'an, 1:305-306)

Abstaining from excesses is also evident from the following Quran verse:

وَ اِنْ عَاقَبْتُمْ فَعَاقِبُوْا بِمِثْلِ مَا عُوْقِبْتُمْ بِهٖ ط وَ لَئِنْ صَبَرْتُمْ لَهُوَ خَيْرٌ لِّلصّٰبِرِيْنَ (النحل:١٢٦)

And if you do catch them out, catch them out no worse than they catch you out: but if you show patience, that is indeed the best (course) for those who are patient. (Quran—16:126)

This verse relates to the norms of *Dawah* and *Tabligh*. Imam Razi in elucidating this verse, records: *"The opponents of the da'ayee (Caller of Islam) might try to kill him, or cause him physical or emotional harm. This in turn might instigate a feeling of revenge in da'ayee. Allah (ST), therefore, guides him to adhere to justice and equity even in such a challenging situation, and refrain from oppression and excesses."* (Al-Tafseer al-Kabir, 20:113)

Here too, Quran puts replacement as the condition for revenge, i.e. the revenge should be of the same

nature as the excesses suffered. Islamic scholars deduce several legal implications from this verse. Abu bakar Jasas (RhA) opines:

"This verse demands killing the murderer and hurting the offender to the same degree as the damage inflicted. For example, if someone cuts off the other's arm and then kills him, the guardians of the victim will have the right to cut off the arm of the murderer before killing him." *

He further elaborates: "it also concludes, if someone kills another by crushing his head using a stone, or kills him by archery, the murderer will not be killed by the same means but rather his head will be chopped off using a sword or any other appropriate arm, as in his act the number and the intensity of blows cannot be determined accurately. Therefore we cannot take parallel revenge; however, the revenge will be at par in terms of taking his life, for the life of the victim. The sword or some other appropriate arm should thus be used to take his life."

The above viewpoint is in accord with the Hanafi school of thought. Other schools of thought, in general, opine killing the murderer by the same method as he used in killing. however the methods considered illegal in Islamic jurisprudence may not be used; like killing after intoxicating the victim with liquor, or through rape, or by burning alive. (Ibn-e-Arabi Maliki, Ahkam al-Qur'an, 3:1190, nail al-Autar, 7:164-167)

The second legal viewpoint derived from the verse concerns material damage, for which Allama Abu Bakar

* On the basis of the verses quoted; This opinion is shared by Umar bin Abdul Aziz, Imam Malik, Imam Shafai and Abu Saur. (Ibn-e-Qadamah, Al Moghni, 685/7)

Jasas (RhA) argues: "The penalty of material damage incurred to someone should be at par. Seizing a part of someone's land to include in one's own building, or some quantity of wheat and grinding it with his own, also obligates replacement at par. Same quantity for the wheat seized or robbed, and relevant price for the land captured will be deemed obligatory."

(Jassas, Ahkam al-Qur'an, 3:239-240)

The construction on a captured land will be demolished and the land given back to the owner. Allama Abu bakar Jasas (RhA) opines that this is an example of returning the same object to the owner instead of a replacement. It definitely is not a parallel replacement. Nonetheless, at times, the seized land rather than its price is more beneficial for the oppressed.

Desist from Excesses even in Verbal Revenge

The discussion in general aims at physical and monetary excesses. However, we will briefly consider the verbal excesses too. If a person resorts to verbal abuse, the victim has the right to avenge, but only to the extent of the hurt suffered. The following verse from Quran guides:

لَا يُحِبُّ اللّٰهُ الْجَهْرَ بِالسُّوْٓءِ مِنَ الْقَوْلِ اِلَّا مَنْ ظُلِمَ ؕ وَ كَانَ
اللّٰهُ سَمِيْعًا عَلِيْمًا ۝ (الشوریٰ:۳۹)

Allah loves not that evil should be noised abroad in public speech, except where injustice has been done; for Allah is He Who hears and knows all things. (Quran—4:148)

This verse permits the oppressed to publicly protest

against the oppression. At the same time reiterating two of Allah (ST)'s qualities – *Sami and Aleem* (Hears and knows everything), restrains people from misusing this grant. It reflects Allah (ST)'s knowledge and awareness of not only our utterances, but also of our feelings and sentiments, and warns of punishment in case of transgression of bounds. Referring to the same qualities of *Sami* and *Aleem*, Islam also refrains from misusing the right to avenge, or resorting to an oppressive conduct. Imam Razi (RhA)'s elucidation corroborates the above viewpoint. He records:

"By citing these qualities of Allah (ST) in this verse, the oppressed is directed to refrain from transgressing the permitted limits concerning his right to public demonstration against oppression. That is, humans must fear Allah (ST), speak only the truth, and not put false allegations on anyone, as these will amount to a grave sin. Whatever he does, Allah (ST) hears, and whatever he keeps in his heart, Allah (ST) knows." (Al-Tafseer al-Kabeer 11:73) Abu Hurairah (RA)'s following narration further reinforces the above viewpoint. Prophet Mohammad (PBUH) records:

المستبّان ما قالا فعلى البادى ما لم يعتد المظلوم

(مسلم: كتاب البر والصلة، باب النهى عن السباب)

Whatever those committing excesses said to each other, its sin is on the one who initiated it, till the oppressed (in replying) transgresses the limit."

Imam Nauwi elaborates: *"this concludes the permission for revenge. There is no disagreement*

about its rationale. The Book and Sunnah have a range of arguments in its favor." (Sharh Muslim, 16:115,116)

Imam Ghazali (RhA) in elucidating this hadith, opines along similar lines :

اثبت للمظلوم انتصارا الی ان یعتدی (احیاءعلوم الدین:۳/۱۴۴)

In this *hadith*, He (PBUH) approves the right of the oppressed to take revenge until he exceeds the limits.

Revenge: Abiding by Islamic Law

As discussed above, the first condition of revenge is its parity with the excesses suffered. One cannot claim the life of a person against a slap. The second condition is abiding by the limits set by morality and Islamic jurisprudence. One must not violate them. Imam Nauwi elaborates this point as:

"Use of abusive language or swearing at a Muslim is Haram (unlawful). Prophet Mohammad (PBUH) says 'abusing a Muslim is fisq (impiety).' If someone subjects the other to blasphemy, the victim has the right to use similar language as revenge. However, he is not allowed to tell lies, put false allegations, or abuse his elders. An example of permissible verbal revenge could be the use of words like tyrant, stupid, etc. because such words, phrases, or statements are generic and no one is free of such weaknesses. A reply along these lines means that the oppressed has taken complete revenge. He got his right to avenge the abuser. However, the initiator will also bear the sin of initiation. He will also be a sinner from the aspect of disobeying one of Allah

(ST)'s commands, and will have to seek forgiveness from Allah (ST)." However, some people also opine annulling of all concerns related to oppression once the oppressed has avenged. (Sharh Muslim, 16:116)

Imam Ghazali (RhA) elucidates another aspect of revenge, and records: "One cannot counter all types of oppression by replying in the same way. Backbiting against backbiting, prying against prying, or blasphemy against blasphemy is not correct. The same applies to other grave sins *(Ma'asiat)*. Even the penalty for killing and indemnity too can only be demanded only within the limits set by Islamic jurisprudence."

(Ihya Uloom al-Deen, 3:155)

In the same context, discussing the benefits of forgiveness and pardoning, he further elaborates: "Those approving the right to avenge put forth the condition of refraining from lies and falsehood. The oppressed can use such words and phrases as You! son of (name of the person), idiot, illmannered, you will not speak out if you still have some modesty; may Allah (ST) disgrace you; you are of no value in my sight because of your deeds. Concerning backbiting, badmouthing, lies and malicious accusations, or foul verbiage against his parents is equivocally ***haram*** (illegal).*

In short, the oppressed has a definite right to avenge, but it is not unconditional and absolute; it has associated bounds and limits. If in revenge, he transgresses them, Islam considers him an oppressor.

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* Imam Ghazali says that one may respond to abuses. But to desist is better; since it is very difficult to maintain the proper balance. To keep quite is easier. (Ibid p.157). Right to revenge does not cease to exist; however.

The state and society will deal with him as any other oppressor.

The Right to Forgive and Overlook

Islam also provides the oppressed the right to pardon and overlook. Better put, revenge is a constitutional right, and act of pardon and overlooking is to give up the right. Imam Ghazali (RhA) defines pardon as:

العفو ان يستحق حقا فيسقطه و يبری عنه من قصاص او غرامة (احیاءعلوم الدین:۳/۱۵۷)

Pardoning connotes that a person annuls his due right and frees (the offender) of penalty or indemnity."

Pardoning is Desirable

Quran declares pardoning and overlooking a desirable act. It not only restricts people from transgressing the limits of revenge, but also urges them to adopt an approach of pardoning and overlooking. While approving the right of the oppressed to avenge, it urges him to supreme levels of morality to disregard even the most extreme oppression, and adopt a magnanimous attitude. In terms of consequences, Islam considers it better than revenge. The following verse is illustrative:

وَ اِنْ عَاقَبْتُمْ فَعَاقِبُوْا بِمِثْلِ مَا عُوْقِبْتُمْ بِهٖ ؕ وَ لَئِنْ صَبَرْتُمْ لَهُوَ خَيْرٌ لِّلصّٰبِرِيْنَ ۝ (النحل:۱۲٦)

And if you do catch them out, catch them out no worse than they catch you out: but if you show

patience, that is indeed the best (course) for those who are patient. (Quran—16:126)

Hafiz Ibn-e-Kathir elaborating on the meaning of this verse, records: *"The verse commands justice and equity in penalty, and directs us that substitute be at par with the original in replacement of seized wealth."* He further explains that *"this and other similar verses besides providing a legal and Islamic juristic status, urge people towards graciousness and kindness."* (Tafseer Ibn-e-Kathir, 2:592)

Jassas explains this verse with an example, and records: *"This verse informs us that forgiving a murderer or an oppressor is better than taking revenge."* (Ahkam al-Qur'an, 3:240)

Forgiveness – A Virtue of the Pious

Allah (ST) – fearing people possess several eminent virtues. Quran describes one in the following words:

وَالْكٰظِمِيْنَ الْغَيْظَ وَالْعَافِيْنَ عَنِ النَّاسِ ط (آل عمران:۱۳۴)

who restrain anger and pardon (all) people; (Quran—3: 134)

To err is human. Accordingly, humans often commit errors and mistakes, and Allah (ST), by His grace and mercy, continues forgiving them. If He (ST) keeps account of every human error and punishes them, life for humans would be impossible. Allah (ST) desires to inculcate a similar attitude of pardoning and forgiving among humans too. Allah (ST) treats humans in a similar manner as they treat their fellow humans. Therefore, if one overlooks and forgives the excesses of fellow humans, he can expect Allah (ST) to overlook

and forgive his mistakes. At another place while declaring the right of the oppressed to voice against oppression, the Quran reiterates the above viewpoint as:

إِنْ تُبْدُوا خَيْرًا اَوْ تُخْفُوْهُ اَوْ تَعْفُوا عَنْ سُوْٓءٍ فَإِنَّ اللّٰهَ كَانَ
عَفُوًّا قَدِيْرًا ○ (النساء:۱۴۹)

Whether you publish a good deed or conceal it or cover evil with pardon, verily Allah does blot out (Sins) and has power (in the judgment of values).
(Quran—4:149)

As a further reinforcement, in the discussion on social affairs, Quran records:

وَ اِنْ تَعْفُوْا وَ تَصْفَحُوْا وَ تَغْفِرُوْا فَإِنَّ اللّٰهَ غَفُوْرٌ رَّحِيْمٌ ○
(التغابن:۱۴)

But if you forgive and overlook, and cover up (their faults), verily Allah is oft-Forgiving, Most Merciful. (Quran—64:14)

Often, prompted by anger and revenge, humans resort to harsh actions, which though permissible, are not noble. In Surah Noor, advising people to refrain from such acts, Quran pronounces direct correlation of Allah (ST)'s blessings of lenience and grace to human's adherence to forgiveness. Notice, how beautifully Quran puts this point across in the following verse:

وَلَا يَأْتَلِ اُولُوا الْفَضْلِ مِنْكُمْ وَالسَّعَةِ اَنْ يُّؤْتُوْٓا اُولِي الْقُرْبٰى
وَالْمَسٰكِيْنَ وَالْمُهٰجِرِيْنَ فِيْ سَبِيْلِ اللّٰهِ ۖ وَلْيَعْفُوْا
وَلْيَصْفَحُوْا ۗ اَلَا تُحِبُّوْنَ اَنْ يَّغْفِرَ اللّٰهُ لَكُمْ ۗ وَاللّٰهُ غَفُوْرٌ
رَّحِيْمٌ ○ (النور:۲۲)

Let not those among you who are endowed with grace and amplitude of means resolve by oath against helping their kinsmen, those in want, and

> those who have left their homes in Allah's cause: let them forgive and overlook, do you not wish that Allah should forgive you? For Allah is Oft-Forgiving, Most Merciful. (Quran—64:14)

The books of *Ahadith* cite an extremely touching incident in the context of revelation of this verse. Mastah (RA) was a poor person. He lost his father during childhood. He along with his mother embraced Islam in Mecca; migrated to Medina and participated in Badar. He was a pious and sincere companion of Prophet Mohammad (PBUH). He was one of Abu Bakar (RA)'s relations. Because of his poverty, need, and relations, Abu Bakar (RA) took care of his expenses. Despite his loyalty, he committed a grave mistake in the context of the incident of "Ifk". Ayesha (RA) on being left behind after a battle, returned with one of Prophet Mohammad (PBUH)'s companions. The hypocrites began spreading false rumors about it, and some of them even leveled false allegations. Because of simplicity in his nature, the rumors influenced Mastah (RA) as well. His behavior shocked Abu Bakar (RA) and he endured extreme grief. He then said, *By Allah*! I will not spend my money anymore on this person. The narrations record that after this incident, Allah revealed the above verse. On hearing the verse, Abu Bakar (RA) said:

والله انی لاحب ان یغفر الله لی

> "By Allah, I only desire Allah (ST) to forgive my sins."

After this he restarted giving expense money to Mastah (RA). Some narrations even record that he in fact doubled the grant.

(Bukhari, Katab al-Tafseer (sura al-Noor, Fath al- Bari, 8:338)

Overlooking is Recommended in Ahadith

Prophet Mohammad (PBUH)'s sayings strongly stress on attitude of forgiveness and overlooking and inspire people from various angles. Abu Hurairah (RA) narrates, Prophet Mohammad (PBUH) said:

ما نقصت صدقة من مال وما زاد اللّٰه عبداً بعفوٍ الاّ عزاً
وما تواضع احد للّٰه الاَ رفعه اللّٰه
(مسلم: ابواب البر والصلة، باب استحباب العفو والتواضع)

"Charity and donations never bring shortage in wealth. Because of forgiving and overlooking, Allah (ST) increases the honor of his servants, and the one who subscribes to hospitability and modesty for Allah (ST), He provides him eminence and nobility."

Abu Kasba Anmari's narration connotes the same; Prophet Mohammad (PBUH) records:

ما نقص مال عبد من صدقة ولا ظلم عبد مظلمة صبر
عليها الا زاده اللّٰه عزا ولا فتح عبدٌ باب مسئلةٍ
الا فتح اللّٰه عليه باب فقر (ترمذی، ابواب الزہد، باب ماجاء مثل الدنیا)

"Charity does not bring shortage in a person's wealth. If oppression incurs on someone, and he patiently perseveres for it, Allah (ST) increases his honor; the person who resorts to begging, Allah (ST) compulsorily opens doors of poverty and neediness for him."

Uqba Bin Amir (RA)'s narration further emphasizes pardoning; Prophet Mohammad (PBUH) records:

صل من قطعک واعط من حرمک واعف عمن
ظلمک (مسند احمد: ۱۴۸، ۴/ ۱۵۸ قال المنذری رواہ احمد والحاکم ورواۃ احدی اسناد
احمد ثقات الترغیب والترہیب: ۳/ ۲۳۲)

> "Strengthen relations with those who sever them; Provide (the due right) to the one who denies you (of your right) and forgive the one who subjects you to excesses."

Controlling Anger

One of the major motives behind revenge is human rage and anger. When the emotions of rage rise, he satiates them through revenge. Controlling this motive and curbing anger purely for Allah's sake is worthy of great reward in the Hereafter. Abdullah Bin Umar (RA)'s narration corroborates the above viewpoint. Prophet Mohammad (PBUH) records:

> ما من جرعــة اعظم اجــرًا مــن جرعــة غيظ كظمهــا
> عبد ابتغاء وجــه اللّٰه (ابن ماجہ، ابواب الزہد، باب الحلم۔ مسند احمد: ۲/۱۲۸)

> "There is no sip more rewarding than the one of anger, which a person takes in for Allah's sake alone."

Overlooking despite the power to avenge too deserves a similar reward from Allah (ST). Maaz Bin Anas Jahni's (RA) narration corroborates this view. Prophet Mohammad (PBUH) records:

> من كظم غيظا و هو قادر على ان ينفّذه دعاه اللّٰه يوم
> القيامة على رؤس الخلائق حتى يخيره فى اى الحور
> شاء (ابوداؤد، کتاب الادب، باب من کظم غیظا۔ ترمذی، ابواب البر والصلۃ، باب ماجاء
> فی کثرۃ الغضب۔ الترغیب والترہیب ج ۳ ص ۳۰۲)

> "If a person despite power and potential to avenge controls his anger, Allah (ST) will call him in the presence of all His creations and grant him permission to select any *Hur*."

Rage results from anger. By controlling this anger for sheer sake of Allah (ST), human becomes eligible of His (ST) infinite mercy.

Forgiveness and Revenge in Accordance with Circumstances

A question arises from the apparent contradiction between revenge and forgiveness. On one hand Quran and *Ahadith* declare overlooking and pardon as the epitome of the righteous' conduct, where as on the other they declare avenging as one of the qualities of the Allah-fearing people. The answer to this apparent contradiction is the twin demand put forth by human life, necessitating both revenge as well as overlooking and pardon. Sometimes it demands revenge and at other times it requires forgiveness and pardon. Both these aspects are essential. If revenge is required to discourage an oppressor, overlooking and pardon cannot be appreciated. Conversely, when overlooking and pardon are required, revenge has to withdraw.

Allama Abu Bakar Jassas (RhA) opines: *"Overlooking and pardon? when the offender is embarrassed for his offense and pledges to refrain from it; the one adamant on excesses and tyranny must be avenged."* (Ahkam al-Qur'an 3:475)

Imam Razi (RhA) details: "The consequence of overlooking and pardon appears in two forms. One, the mischief is curbed and the offender realizing his gaffe amends his actions. The other is augmentation of the offender's courage resulting in increased oppression and tyranny, and more wrong. Overlooking and pardon is

approved in the first case, whereas, for the second, revenge is better. (Al-Tafseer al-Kabeer, 27:152)

Allama Abu As-Saud reflects: One of the qualities of the believers described is that they avenge those who commit excesses. Along with it, their pardoning is also described. There is no contradiction in the two. Because each of these two qualities is desirable in a particular situation. But, if one adopts it in place of the other, it is reproachable and disapproved.

(Tafseer Abu al-Saud, 7:669)

Forgiving – A Right of the Oppressed

Another question that deserves sincere attention is whether the right to forgive and pardon is only enjoyed by the oppressed or the state too shares this right, and among the two who deserves the major share? The general norm today provides the state the right to forgive even the most extreme of the oppressors. For this reason, if a person commits excesses on another and the government forgives him, the oppressed no longer enjoys any right to forgive or avenge. This brings forth two very significant aspects of this right. One is that no ruler or office can experience the feelings of the loss that the oppressed suffered other than he. The right to pardon and overlook or avenge, should therefore, rest with the oppressed. The second is the misuse of the right to pardon and overlook, in general, by the state. Thus the individuals and institutions who have clout are pardoned by the state though they have perpetrated extreme oppression. Islam declares that the right to pardon and forgive relates to the person who suffered the excesses. Only he can forgive the

oppressor. This is his right alone, which no other individual or office, be it even the government, shares.*

Summary of the Discussion

According to Islam, the oppressed reserves both the right to avenge and the right to grant pardon and overlook. If he avenges, he is using his lawful right. The law will only ensure that he does not transgress the limits set by Islamic jurisprudence. If he forgives, this is his favor, and no one can be compelled to grant favors. There is enormous difference between accepting a legal right in principle and then requesting for a favor and in an outright denial of that right. The first condition will raise his morale and lead him to magnanimity. The second situation weakens his self esteem, disgraces and dishonors him. Quran completely encompasses all the moral and legal aspects of this issue in three verses of *sura-e-Shura*.

وَالَّذِيْنَ اِذَآ اَصَابَهُمُ الْبَغْيُ هُمْ يَنْتَصِرُوْنَ۝ وَ جَزٰٓؤُا سَيِّئَةٍ
سَيِّئَةٌ مِّثْلُهَا ۚ فَمَنْ عَفَا وَ اَصْلَحَ فَاَجْرُهٗ عَلَى اللّٰهِ ؕ اِنَّهٗ لَا
يُحِبُّ الظّٰلِمِيْنَ۝ وَ لَمَنِ انْتَصَرَ بَعْدَ ظُلْمِهٖ فَاُولٰٓئِكَ مَا
عَلَيْهِمْ مِّنْ سَبِيْلٍ۝ اِنَّمَا السَّبِيْلُ عَلَى الَّذِيْنَ يَظْلِمُوْنَ النَّاسَ
وَ يَبْغُوْنَ فِي الْاَرْضِ بِغَيْرِ الْحَقِّ ؕ اُولٰٓئِكَ لَهُمْ عَذَابٌ
اَلِيْمٌ۝ وَلَمَنْ صَبَرَ وَ غَفَرَ اِنَّ ذٰلِكَ لَمِنْ عَزْمِ الْاُمُوْرِ۝

(الشوریٰ:۳۹-۴۱)

"And those who, when an oppressive wrong is inflicted on them, (are not cowed but) help and defend themselves. The recompense for an

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* Those violations are precluded, which even the concerned person can not forgive.

> injury is an injury equal thereto (in degree): but if a person forgives and makes reconciliation, his reward is due from Allah: for (Allah) loves not those who do wrong. But indeed if any do help and defend themselves after a wrong (done) to them, against such there is no cause of blame."
>
> (Quran—42: 39 – 41)

Islam provides the oppressed such a strong legal stand that he independently can react to the oppression incurred on him without any external impetus. At no stage will he feel himself vulnerable and helpless and insecure of his rights, so that he may be a soft target of the oppression of a tyrant or an oppressor. While instilling this sense of self-confidence, Islam restrains people from transgressing the lawful limits on the pretext of being the aggrieved party or an the oppressed. It instills in them such a high degree of moral sense that in some aspects, it brings them closer to angels; if they choose to act nobly.

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